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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके  
Separate paging is given to this Part in order that it may be filed as a separate compilation

## भाग II—खण्ड 3—उप-खण्ड (ii)

### PART II—Section 3—Sub-Section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ राज्यक्षेत्र प्रशासनों को छोड़कर)  
केन्द्रीय प्राधिकारियों द्वारा जारी किये गए सांविधिक आदेश और अधिसूचनाएँ

Statutory Orders and Notifications issued by the Ministries of the Government of India  
(other than the Ministry of Defence) by Central Authorities  
(other than the Administrations of Union Territories)

भारत निर्वाचन आयोग  
आदेश

नई दिल्ली, 24 जनवरी, 1979

ELECTION COMMISSION OF INDIA

ORDERS

New Delhi, the 24th January, 1979

क्रा. आ. 764.—यतः, निर्वाचन आयोग का समाधान हो गया है कि फरवरी, 1978 में हुए महाराष्ट्र विधान सभा के लिए गांधारण निर्वाचन के लिए 27-मजगांव निर्वाचन-क्षेत्र में चुनाव सहजाने वाले उम्मीदवार श्री चवाण तटोबा यल्लप्पा, लक्ष्मी भवान, द्वितीय तल, कमरा नं. 36, बम्बई-33 लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार ने, उसी सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग द्वारा उक्त श्री चवाण तटोबा यल्लप्पा को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं. महानि. सं./27/78(72)]

S.O. 764.—Whereas the Election Commission is satisfied that Shri Chavan Tatoba Yallappa, Laxmi Bhawan, Second floor, Room No. 36, Bombay-33, (Maharashtra) a contesting candidate for General Election to the Maharashtra Legislative Assembly held in February, 1978 from 27-Mazgaon constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure:

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Chavan Tatoba Yallappa to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MT-LA/27/78(72)]

का. आ. 765.—यतः, निर्वाचन आयोग का समाधान हो गया है कि फरवरी, 1978 में हुए महाराष्ट्र विधान सभा के लिए साधारण निर्वाचन के लिए 34-माहिम निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री हकम जी. एम. कब्ली, 15-वांजवाडी लेन, म्युनिसिपल उर्दू स्कूल कम्पाउण्ड, माहिम बम्बई-400016, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपीक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यतः उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री पगारे कृष्ण शंकर को संसद संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं. महा-वि. सं./34/78(73)]

S.O. 765.—Whereas the Election Commission is satisfied that Shri Haroon G. M. Kabli, 15-Wanjewadi Lane, Municipal Urdu School Compound, Mahim, Bombay-400016, (Maharashtra) a contesting candidate for General Election to the Maharashtra Legislative Assembly held in February, 1978 from 34-Mahim constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Haroon G. M. Kabli to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MT-LA/34/78(73)]

का. आ. 766.—यतः, निर्वाचन आयोग का समाधान हो गया है कि फरवरी, 1978 में हुए महाराष्ट्र विधान सभा के लिए साधारण निर्वाचन के लिए 50-घाटकोपर निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री जोशी चिमनलाल, चनीलाल, कमरा नं. 39, सीताराम भवन, एल. बी. शास्त्री मार्ग, घाटकोपर (पश्चिम) बम्बई-400088 लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपीक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यतः उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री जोशी चिमनलाल चनीलाल को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस

आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं. महा-वि. सं./50/78(74)]

S.O. 766.—Whereas the Election Commission is satisfied that Shri Joshi Chimanlal Chunilal, Room No. 39, Sitaram Bhavan, L. B. Shastri Marg, Ghatkopar (West), Bombay-400086, (Maharashtra) a contesting candidate for General Election to the Maharashtra Legislative Assembly held in February, 1978 from 50 Ghatkopar constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Joshi Chimanlal Chunilal to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MT-LA/50/78(74)]

का. आ. 767.—यतः, निर्वाचन आयोग का समाधान हो गया है कि फरवरी, 1978 में हुए महाराष्ट्र विधान सभा के लिए साधारण निर्वाचन के लिए 48-नेहरु नगर निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री पगारे कृष्ण शंकर, कमरा सं. 201/1, अम्बेडकर चौक, इटमैन्टस, इमारत नं. 72 के सामने, पन्त नगर, घाटकोपर (पू.) बम्बई-78, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपीक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यतः उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री पगारे कृष्ण शंकर को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं. महा-वि. सं./48/78(78)]

S.O. 767.—Whereas the Election Commission is satisfied that Shri Pagare Krishna Shankar, Room No. 201/1, Ambedkar Chowk Hutments, In front of Building No. 72, Pant Nagar, Ghatkopar (East) Bombay-75 a contesting candidate for General Election to the Maharashtra Legislative Assembly held in February, 1978 from 48-Nehru Nagar constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Pagare Krishna Shankar to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MT-LA/48/78(78)]

**का. आ. 768.**—यत्तः, निर्वाचन आयोग का समाधान हो गया है कि फरवरी, 1978 में हुए महाराष्ट्र विधान सभा के लिए साधारण निर्वाचन के लिए 35-धारवी (अ. जा.) निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री अशय्या बुचय्या बाध्या, 3/9, बी. एम. सी. बिल्डिंग, एल. जे. क्रॉस रोड नं. 2, माहिम, बम्बई-400016 लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यत्तः उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री अशय्या बुचय्या बाध्या को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आवेदश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं. महा. वि. स./35/78(79)]

**S.O. 768.**—Whereas the Election Commission is satisfied that Shri Ashayya Buchayya Badhya, 3/9, B.M.C. Building, L.J. Cross Road No. 2 Mahim, Bombay-400016, (Maharashtra) a contesting candidate for General Election to the Maharashtra Legislative Assembly held in February, 1978 from 35-Dharavi (SC) constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Ashayya Buchayya Badhya to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MT-LA/35/78(79)]

आवेदश

नई दिल्ली, 3 फरवरी, 1979

**का. आ. 769.**—यत्तः, निर्वाचन आयोग का समाधान हो गया है कि फरवरी, 1978 में हुए महाराष्ट्र विधान सभा के लिए साधारण निर्वाचन के लिए 150-लखनपुर निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री गजभिर्षे उर्वेभान दयाराम मन्नाम ब. डाक. पाण्डी, गहमील-माकली, जिला-भंडारा महाराष्ट्र लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और, उक्त उम्मीदवार द्वारा दिये गये अभ्यावेदन पर विचार करने के पश्चात् निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री गजभिर्षे उर्वेभान दयाराम को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा

विधान परिषद के सदस्य चुने जाने और होने के लिए इस आवेदश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं. महा-वि. स./150/78(80)]

## ORDERS

New Delhi, the 3rd February, 1979

**S.O. 769.**—Whereas the Election Commission is satisfied that Shri Gajbhiye Udebbhan Dayaram, at & P.O. Pardi, Tehsil-Sakoli, District-Bhandara, Maharashtra, a contesting candidate for General Election to the Maharashtra Legislative Assembly held in February, 1978 from 150-Jakhbandur constituency, has failed to lodge an account of his election expenses within the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Gajbhiye Udebbhan Dayaram to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MT-LA/150/78(89)]

नई दिल्ली, 5 फरवरी, 1979

**का. आ. 770.**—यत्तः, निर्वाचन आयोग का समाधान हो गया है कि फरवरी, 1978 में हुए महाराष्ट्र विधान सभा के लिए साधारण निर्वाचन के लिए 166-पुसाद निर्वाचन से चुनाव लड़ने वाले उम्मीदवार श्री संगार बाबन अगाम, मुन्नाम पुसाद, जिला-यवतमाल (महाराष्ट्र) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यत्तः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री संगार बाबन अगाम को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आवेदश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं. महा-वि. स./166/78(92)]

New Delhi, the 5th February, 1979

**S.O. 770.**—Whereas the Election Commission is satisfied that Shri Sangawar Baban Agam, at Pusad, District-Yavatmal, Maharashtra, a contesting candidate for General Election to the Maharashtra Legislative Assembly held in February, 1978 from 166-Pusad constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and

the Election Commission is satisfied that he has no good reason or justification for the failure :

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Sangawar Baban Agam to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MT-LA/166/78(92)]

का. आ. 771.—यतः, निर्वाचन आयोग का समाधान हो गया है कि फरवरी, 1978 में हुए महाराष्ट्र विधान सभा के लिए साधारण निर्वाचन के लिए 166-पुसाद निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री चवाण राजुसिंग रुपला, भुक्काम हिवारी, डाक. काली, दौलत खां, तालुक-पुसाद, जिला-यवतमाल (महाराष्ट्र) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यतः उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री चवाण राजुसिंग रुपला को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आवेदक की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं. महा-नि. सं./66/78(93)]

S.O. 771.—Whereas the Election Commission is satisfied that Shri Chavan Rajusing Rupla, At Hiwari, Post-Kali Daulat Khan, Taluka-Pusad, District-Yavatmal, Maharashtra—a contesting candidate for General Election to the Maharashtra Legislative Assembly held in February, 1978 from 166-Pusad constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Chavan Rajusing Rupla to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MT-LA/166/78(93)]

का. आ. 772.—यतः, निर्वाचन आयोग का समाधान हो गया है कि फरवरी, 1978 में हुए महाराष्ट्र विधान सभा के लिए साधारण निर्वाचन के लिए 166-पुसाद निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री सोनी श्यामसुन्दर किसानलाल, भुक्काम पुसाद, जिला-यवतमाल, (महाराष्ट्र) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यतः उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण

नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री सोनी श्यामसुन्दर किसानलाल को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आवेदक की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं. महा-नि. सं./66/78(94)]

S.O. 772.—Whereas the Election Commission is satisfied Shri Soni Shyamsundar Kisanlal at Pusad, District Yavatmal, Maharashtra, a contesting candidate for General Election to the Maharashtra Legislative Assembly held in February, 1978 from 166-Pusad Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Soni Shyamsundar Kisanlal to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MT-LA/166/78(94)]

का. आ. 773.—यतः, निर्वाचन आयोग का समाधान हो गया है कि फरवरी, 1978 में हुए महाराष्ट्र विधान सभा के लिए साधारण निर्वाचन के लिए 166-पुसाद निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री भीसे इकनाथ शंकर, भुक्काम पुसाद, जिला-यवतमाल (महाराष्ट्र) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यतः उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री भीसे इकनाथ शंकर को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा परिषद् के सदस्य चुने जाने और होने के लिए इस आवेदक की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं. महा. नि. सं./166/78(95)]

S.O. 773.—Whereas the Election Commission is satisfied that Shri Bhise Eknath Shankar, at Pusad, District Yavatmal, Maharashtra a contesting candidate for General Election to the Maharashtra Legislative Assembly held in February, 1978 from 166-Pusad constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said

shri Bhise Eknath Shankar to be disqualified for being chosen as, for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MT-LA/166/78(95)]

का. आ. 774.—यतः, निर्वाचन आयोग का समाधान हो गया है कि फरवरी, 1978 में हुए महाराष्ट्र विधान सभा के लिए साधारण निर्वाचन के लिए 166-पुसाद निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री काम्बले पुंडलिक मोरेश्वर, मुकाम व डाक हुडी, तालुका-पुसाद, जिला-यवतमाल महाराष्ट्र लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यतः उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में आयोग एतद्वारा उक्त श्री काम्बले पुंडलिक मोरेश्वर को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहिता घोषित करता है ।

[सं. महा. वि. स. /166/78(96)]

S.O. 774.—Whereas the Election Commission is satisfied that Shri Kamble Pundlik Moreshwar, at Post-Hudi, Taluka Pusad, District Yavatmal, Maharashtra, a contesting candidate for General Election to the Maharashtra Legislative Assembly held in February, 1978 from 166-Pusad constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Kamble Pundlik Moreshwar to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order

[No. MT-LA/166/78(96)]

नई दिल्ली, 8 फरवरी, 1979

का. आ. 775.—यतः, निर्वाचन आयोग का समाधान हो गया है कि फरवरी, 1978 में हुए तमिलनाडु विधान सभा के लिए साधारण निर्वाचन के लिए 134-कम्बुम निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री एस. एन. पॉन्नु स्वामी, 290/14, बोर्ड स्कूल स्ट्रीट, कम्बुम, डाक. कम्बुम, जिला मदुराई तमिलनाडु, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित समय के अन्दर तथा रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और, यतः उक्त उम्मीदवार ने उसे सम्यक सूचना दिए जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान

हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री एस. एन. पॉन्नु स्वामी को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहिता घोषित करता है ।

[सं. त. ना.-वि. स./134/77(10)]

## ORDER

New Delhi, the 8th February, 1979

S.O. 775.—Whereas the Election Commission is satisfied that Shri S. N. Ponnuswamy, 290/14, Board School Street, Cumbum, Post Cumbum, District Madurai (Tamil Nadu), a contesting candidate for general election to the Tamilnadu Legislative Assembly held in June, 1977 from 134-Cumbum assembly constituency, has failed to lodge an account of his election expenses within the time and in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after due notices has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for such failure ;

Now, therefore in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri S. N. Ponnuswamy to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of State for a period of three years from the date of this order.

[No. TN-LA/134/77(10)]

का. आ. 776.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए उड़ीसा विधान सभा के लिए साधारण निर्वाचन के लिए 75-बरहामपुर निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री हरीश चन्द्र सुबुधी, कोर्टपेटा, बरहामपुर, जिला-गानाम (उड़ीसा) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यतः उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री हरीश चन्द्र सुबुधी को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहिता घोषित करता है ।

[सं. 76/उड़ीसा-विधान. सं/75/77]

बी. नागसुब्रमण्यन, सीकव

S.O. 776.—Whereas the Election Commission is satisfied that Shri Harish Chandra Subudhi, Courtpetta, Berhampur, District-Ganjam (Orissa) a contesting candidate for general election to the Orissa Legislative Assembly held in June, 1977 from 75-Berhampur constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the

Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Harish Chandra Subudhi to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. 76/OR-LA/75/77]

V. NAGASUBRAMANIAN, Secy.

### वित्त मंत्रालय

#### (राजस्व विभाग)

#### शुद्धिपत्र

नई दिल्ली, 17 जून, 1978

#### आय-कर

का० आ० 777—राजस्व विभाग, अधिसूचना सं० 2227 (फा० सं० 203/26/77-आ०क०प्र० II) तारीख 23 मार्च, 1978 में निम्नलिखित संशोधन करता है :—

#### निम्नलिखित के स्थान पर

आयोजन कर्ता :

- |   |                                       |
|---|---------------------------------------|
| 1. मैसर्स ओरियंटल स्टील एण्ड इण्डस्ट्रीज लि०, 1009 अंसल भवन, 16 कस्तूरबा गांधी मार्ग, नई दिल्ली | } श्री राम लाल राजगढ़िया के माध्यम से |
| 2. मैसर्स अजय पेपर्स लि०  |                                       |
| 3. राजगढ़िया चैरिटी ट्रस्ट  |                                       |

#### निम्नलिखित पढ़ें

आयोजन कर्ता

- |   |                                       |
|---|---------------------------------------|
| 1. मैसर्स ओरियंटल स्टील एण्ड इण्डस्ट्रीज लि०, 1009 अंसल भवन, 16 कस्तूरबा गांधी मार्ग, नई दिल्ली | } श्री राम लाल राजगढ़िया के माध्यम से |
| 2. अजय पेपर मिल्स लि०   |                                       |
| 3. राजगढ़िया चैरिटी ट्रस्ट  |                                       |

[सं० 2350(फा० सं० 203/26/77-आ०क०प्र० II)]

जे० पी० शर्मा, निदेशक

### MINISTRY OF FINANCE

#### (Department of Revenue)

#### CORRIGENDUM

New Delhi, the 17th June, 1978

#### INCOME TAX

S.O. 777.—The Department of Revenue hereby amend the notification No. 2227 (F. No. 203/26/77-ITA-II) dated 23rd March, 1978 as under:—

For:

Sponsored by:

- |   |                                  |
|---|----------------------------------|
| 1. M/s. Oriental Steel & Industries Ltd., 1009 Ansal Bhawan, 16, Kasturba Gandhi Marg, New Delhi. | } Through Shri Ram Lal Rajgarhia |
| 2. M/s. Ajay Papers Ltd.  |                                  |
| 3. Rajgarhia Charity Trust.   |                                  |

Read:

Sponsored by:

- |   |                                   |
|---|-----------------------------------|
| 1. M/s. Oriental Steel & Industries Ltd., 1009 Ansal Bhawan, 16, Kasturba Gandhi Marg, New Delhi. | } Through Shri Ram Lal Rajgarhia. |
| 2. Ajay Paper Mills Ltd.  |                                   |
| 3. Rajgarhia Charity Trust.   |                                   |

[No. 2350(F. No. 203/26/77-ITA-II)]

J. P. SHARMA, Director.

नई दिल्ली, 22 दिसम्बर, 1978

#### आय-कर

का. आ. 778.—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि विहित प्राधिकारी अर्थात् भारतीय समाज विज्ञान अनुसंधान परिषद् ने निम्नलिखित संस्था को, आयकर अधिनियम 1961 की धारा 35 की उपधारा (1) के खण्ड (3) के प्रयोजनों के लिए निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थात् :—

1. इस छूट के अधीन संस्थान द्वारा इक्वटी की गई निधियों का उपयोग अनन्य रूप से समाज विज्ञानों में अनुसंधान को बढ़ावा देने के लिए किया जाएगा।
2. संस्थान इस छूट के अधीन इक्वटी की गई निधियों का पृथक हिसाब रखेगा।
3. यह कि संस्थान भारतीय समाज विज्ञान अनुसंधान परिषद्, नई दिल्ली को एक वार्षिक रिपोर्ट भेजेगा जिसमें इस छूट के अधीन इक्वटी की गई निधियां और वह रीति वर्णित होगी जिससे उन निधियों का उपयोग किया गया था।

#### संस्था

#### समाज-कार्य महाविद्यालय, मुम्बई

यह अनुमोदित इस अधिसूचना के जारी किए जाने की तारीख से तीन वर्ष की अवधि के लिए प्रभावी होगा।

[सं. 2618. (फा. सं. 203/79/77-आई.टी.ए. 2)]

पी. एन. जिंगन, अवर सचिव

New Delhi, the 22nd December, 1978

#### INCOME-TAX

S.O. 778.—It is hereby notified for general information that the institution mentioned below has been approved by the Indian Council of Social Science Research, the prescribed authority for the purposes of clause (iii) of sub-section (1) of Section 35 of the Income-tax Act, 1961, subject to the following conditions :—

1. The funds collected by the Institute under this exemption will be utilised exclusively for promotion of research in Social Sciences;
2. The Institute shall maintain separate accounts of the funds collected by them under the exemption;
3. That the Institute shall send an Annual Report to the Indian Council of Social Science Research, New Delhi, showing the funds collected under the exemption and the manner in which the funds were utilised.

#### INSTITUTION

#### COLLEGE OF SOCIAL WORK, BOMBAY.

This approval is effective for a period of 3 years from the date of issue of this notification.

[No. 2618 (F. No. 203/79/77-ITA. II)]

P. N. JHINGTON, Under Secy.

## आय-कर

नई दिल्ली, 30 जनवरी, 1979

क्र. आ. 779.—आय-कर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उप-खण्ड (3) के अनुसरण में और भारत सरकार के राजस्व और बीमा विभाग की अधिसूचना सं. 1041 (फ. सं. 404/63/75, दिनांक 16-8-75) के अधिलेखन में, केन्द्रीय सरकार, एतद्वारा, श्री टी. एम. देसाई को, जो केन्द्रीय सरकार के राजपत्रित अधिकारी हैं, उक्त अधिनियम के अन्तर्गत कर वसूली अधिकारी की शक्तियों का प्रयोग करने के लिए प्राधिकृत करती है।

2. यह अधिसूचना श्री टी. एम. देसाई के कर वसूली अधिकारी के रूप में कार्यभार सम्भालने की तारीख से लागू होगी।

[सं. 2692 (फा. सं. 404/27(क. व. अ. चड्ढा/79/आई. टी. सी.सी.)]

एच. वेंकटरामन, उप सचिव

New Delhi, the 30th January, 1979

## INCOME TAX

S.O. 779.—In pursuance of sub-clause (iii) of clause (44) of Section 2 of the Income Tax Act, 1961 (43 of 1961), and in supersession of the Notification of the Government of India in the Department of Revenue and Insurance No. 1041 (F. No. 404/63/75-ITCC dt. 16-8-75) the Central Government hereby authorises Shri T. M. Desai being a gazetted Officer of the Central Government, to exercise the powers of a Tax Recovery Officer under the said Act.

2. This notification shall come into force with effect from the date Shri T. M. Desai takes over charges as Tax Recovery Officer.

[No. 2692 (F. No. 404/27(TRO-BAR)/79-ITCC)]

H. VENKATARAMAN, Dy. Secy.

## स्टाम्प

नई दिल्ली, 14 फरवरी, 1979

## स्टाम्प

क्र. आ. 780.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) का धारा 9 की उपधारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा उस शुल्क को माफ करती है जो दिल्ली विकास प्राधिकरण द्वारा जारी किए जाने वाले 10 करोड़ रुपये के मूल्य के ऋणपत्रों और उनके परवर्ती अंतरण, परिवर्तन, उपविभाजन आदि पर, उक्त अधिनियम के अंतर्गत प्रभार्य हैं।

[सं. 7/79-स्टाम्प फा. सं. 33/3/79-व. क.]

एच. वेंकटरामन, उप सचिव

## ORDER

New Delhi, the 14th February, 1979

## STAMPS

S.O. 780.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the debentures to the value of ten crores of rupees, to be issued by the Delhi Development Authority and subsequent transfer, conversion, sub-division etc. thereof, are chargeable under the said Act.

[No. 7/79-Stamps-F. No. 33/3/79-ST]

S. D. RAMASWAMY, Under Secy.

## केन्द्रीय उत्पाद शुल्क, समाहर्ता का कार्यालय केन्द्रीय राजस्व भवन, बंगलौर

बंगलौर, 23 जनवरी 1979

## सीमा-शुल्क

क्र. आ. 781.—1962 के सीमानुलूक अधिनियम की धारा 8 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, तथा इस कार्यालय के दिनांक 18-3-1976 को अधिसूचना संख्या 1/76 का प्रयोग जारी रखते हुए, मैं आर.एस. शुक्ला समाहर्ता, सीमा तथा केन्द्रीय उत्पाद शुल्क बंगलौर कन्ट्रोलर समाहर्तालय एतद्वारा, निम्नलिखित सारणी में विनिर्दिष्ट वक्षिण कन्ट्रोलर के पत्रों के अतिरिक्त स्थानों में, उक्त सारणी के कालम 5 तथा 6 में वर्णित के अनुसार माफ लादने एवं उतारने के लिए अनुमोदित करता हूँ।

## सारणी

क्र. सं.	पत्र/बन्दरगाहों का नाम	घाटों की संख्या	सरकार/राज्य बन्दरगाह विभाग	घाट की सीमा (जिसमें परिसीमाओं का ब्योरा भी शामिल है।)	सम्बन्धित माल का विवरण	वस्तुओं के निपटार की विधि (माल का नीभरण, उतारना इत्यादि)
1	2	3	4	5	6	
1.	कारवार (जिस में सदाशिवगढ़ भी शामिल है)	5	सरकार/राज्य बन्दरगाह विभाग	कारवार बैथकाल निकट मार्ग के बीच में फैला हुआ बन्दरगाह भूमि जो सर्वे नं० 43ए/सर्वे नं० 4345/1 ईपोआई-पी 2-पी 44ए/3 तथा 4/ए० 4 में "बैथकाल कारवार बमार्शिल कम्पा-उण्ड" नाम से जाना जाता है।	लोहा/सैगनीज प्रयस्क (कच्ची धातु)	नीभरणार्थ लोहा/सैगनीज प्रयस्क (कच्ची धातु) का बाण्डागारण (स्टोर)
				क्षेत्रमापन	परिसीमाण	
				ए०	जी०	ए०
				1	26	12. 1/2
				1	2	0
					उत्तर—मार्ग लखान (रोड कोरिडोर)	
					पूर्व—43 बी	
					दक्षिण—मुख्य मार्ग	
					पश्चिम—बैथकाल निकट मार्ग	

1	2	3	4	5	6
कारबार (जिस में सदाशिवगढ़ भी शामिल है)	6	सरकार/राज्य वन्दरगाह विभाग	सर्वे नं० 43 बी+डी में रिक्त बन्दरगाह भूमि जो बैथकाल में "शेकल कम्पाउण्ड" नाम से जाना जाता है। क्षेत्र मापन ए० बी० 0 39 0 13	लोहा/मैगनीज अयस्क (कच्चा धातु) का माण्डा-गारण (स्टोर) परिमीमाण उत्तर—43ए/आई बी पूर्व—43. ए-5 दक्षिण—43 डी पश्चिम—मड़क	
यथोपरि	7	यथोपरि	बैथकाल के "सिमेन्टरी बीच रोड" के पश्चिम की सर्वे नं० आई बी 2 बी तथा 3 बी एवम सर्वे नं० 37 ए के बीच 2 एकड़ 30 गृन्टे की विस्तृत भूमि। क्षेत्र मापन 11,000 चौरस मीटर	यथोपरि यथोपरि उत्तर—1 बी, 2 बी तथा 3 बी पूर्व—37 ए दक्षिण—सिमेन्टरी रोड पश्चिम—सर्वे नं० 36ए	यथोपरि
यथोपरि	8	यथोपरि	आई० एन० पी० पंप हाँस के नजदीक सूपा खनि (सुरंग) मैगनीज अयस्क (कच्ची धातु) की खट्टा (डेर) लगाने के लिए बैथकाल की सर्वे नं० 17, 18 तथा 48 की रिक्त भूमि क्षेत्र मापन 7,100 वर्ग मीटर	यथोपरि यथोपरि उत्तर—मत्स्य संसाधक याई पूर्व—मड़क दक्षिण—बगीचा-भूमि पश्चिम—सर्वे नं० 4, 11	यथोपरि
यथोपरि	9	यथोपरि	बैथकाल के सर्वे नं० 36 में, सिमेन्टरी सड़क के पश्चिम की रिक्त बन्दरगाह क्षेत्र/खाली पलत भूमि)। क्षेत्र मापन 12,560 वर्ग मीटर	यथोपरि यथोपरि उत्तर—घर पूर्व—सार्वजनिक कुआं दक्षिण—बन्दरगाह मार्ग पश्चिम—क्षेत्र/जमीन	यथोपरि
यथोपरि	10	यथोपरि	बैथकाल के सर्वे नं० 30 में "सिमेन्टरी बीच" (बाप्तूट/पुलित) में भूमि। क्षेत्र मापन 8,000 वर्ग मीटर	यथोपरि यथोपरि उत्तर—सड़क पूर्व—समुद्र दक्षिण—सिमेन्टरी ग्राउण्ड पश्चिम—सर्वे नं० 29	यथोपरि



1	2	3	4	5	6
कारवार (जिम में सदाशिवगढ़ भी शामिल है)	11	सरकार/राज्य बन्दर-गाह विभाग	कोडीबाग ग्राम के सर्वे नं० 122 पी 123, पी एवं 127 पी में विस्तृत तैयारी निकट मार्ग तथा कार्यों उतारना एवं मोहरण के लिए धार० सी०सी०जेटी/घाट क्षेत्र मापन	तटवर्तीमाल	साधना तथा उतारना
			परिसीमाएं		
			100 मीटर × 30 मीटर	उत्तर—नदी पूर्व—122, 123 दक्षिण—282, 283 पश्चिम—281	
यथोपरि	12	यथोपरि	विहृन कुला की भूमि में सर्वे नं० 1188, 1168 तथा 1162 । क्षेत्र मापन	यथोपरि	यथोपरि
			परिसीमाएं		
			ए० 1 32 5. 1/2	उत्तर—आसगी जमीन पूर्व—काशी नदी दक्षिण—आसगी जमीन पश्चिम—भाबर (दल-दल) भूमि	
2. तावरी पत्तन (बन्दर-गाह)	2	सरकार/राज्य विभाग	मत्स्य क्षेत्र घाट के दक्षिण में फैला हुआ समुद्र तटवर्ती भूमि क्षेत्र मापन	यथोपरि	यथोपरि
			परिसीमाएं		
			200 मीटर × 30 मीटर	उत्तर—मत्स्य क्षेत्र तैयारी घाट पूर्व—समुद्र तट एवं अधनाशिनी नदी दक्षिण—समुद्र तट तथा समुद्र पश्चिम—मत्स्य क्षेत्र मार्ग तथा समुद्र तट प्रवेश	
यथोपरि	3	यथोपरि	मेसने गोस्कर द्वारा—विष्मा शोलम संघटनाएँ उप-योग किया हुआ अधनाशिनी नदी का तटवर्ती प्रवेश एवं एक फैला हुआ मैदान । क्षेत्र मापन	तटवर्तीमाल	साधना तथा उतारना
			परिसीमाएं		
			225 मीटर × 20 मीटर	उत्तर—नदी पूर्व—नदी तट दक्षिण—तावरी से सनिकट तक लोक निर्माण विभाग मड़क पश्चिम—मिजि बगीचा भूमि ।	

(अधिभूतना संख्या 1/79/सी०सं० 8/48/262/77 सी० नं०)

रबीन्द्र नाथ ब्रह्म, समाहर्ता

## OFFICE OF THE COLLECTOR OF CENTRAL EXCISE : CENTRAL REVENUES BUILDING, BANGALORE

## CUSTOMS

Bangalore, the 23rd January, 1979

**S.O. 781.**—In exercise of the powers conferred by section 8 of the Customs Act, 1962, and in continuation of this office Notification No. 1/76 dated 18-3-76, I, R.N. Shukla, Collector of Central Excise and Customs, Karnataka Central Excise Collectorate, hereby approve the additional places at the North Kanara Ports specified in the table given below, as Landing and Shipping enclosures for the purposes of unloading or loading of goods as specified in column 5 and 6 thereof.

TABLE

Sl. No.	Name of Ports	No. of wharf	Name of the owner/ Govt.	Limit of the wharf (including details of boundaries etc.)	Particulars of goods to be dealt with	Manner of dealing with them (shipping unloading etc.)
1	2	3	4	5	6	
1.	Karwar (including Sadashivagad)	5	Govt./State Port Dept.	Port land lying in between the Karwar Baithkol approach road known as Burmah Shell compound in Survey No. 43A/Survey No. 4345/I EPI+P2+P4 4A3 and 4/A.4 of Baithkol Karwar as Burmah Shell Compound. Area measuring :— A. G. A. 1 26 12½ 1 2 0 Boundaries : North— Road loading East— 43B South— Main Road. West— Baithkol approach road.	Iron/Manganese Ore.	Storage of Iron/ Manganese Ore for Shipping.
		6	Govt./State Port Dept.	Vacant Port land in Survey No. 43 B+D known as Sherool compound + at Baithkol. Area Measuring A. G. A. 0 39 0 0 13 0 Boundaries North— 43A/IB East— 43A. 5 South— 43D West— Road.	Iron/Manganese ore	Storage of Iron/ Manganese Ore for shipping.
		7	-do-	A stretch of land measuring an area of 2 acres 30 guntas lying in between survey No. 1B, 2B and 3B and Survey No. 37A. of Baithkol to the West of the Cementary Beach Road at Baithkol village. Area Measuring :— 11,000 Sq. metres Boundaries : North— 1B, 2B and 3B East— 37 A. South— Cementary Road West— Survey No. 36A.	-do-	-do-
		8	-do-	Vacant land in Survey No. 17, 18 and 48 of Baithkol for stacking Supa mines Manganese Ore near I.N.P. Pump House. Area measuring 7,100 Sq. metres Boundaries North— Fish curing yard. East— Road South— Garden Land. West— Survey No. 4, 11.	-do-	-do-

1	2	3	4	5	6
1. Karwar (including Sadashivagad.)	9	Govt./State Port Dept.	Area Vacant Port land to the west of the Cementary Road in Survey No. 36 of Baithkol.	Iron/Manganese Ore	Storage of Iron/Manganese ore for shipping.
			Area measuring : 12,560 Sq. metres	Boundaries : North— Houses East— Public Well South— Port Road West— Fields.	
	10	-do-	Land in Cementary beach in Survey No. 30 of Baithkol.	-do-	-do-
			Area measuring : 8,000 Sq. metres	Boundaries : North— Road East— Sea South— Cementary ground. West— Survey No. 29.	
	11	-do-	Extension of built up approach Road and R.C.C. Jetty for landing and shipping of cargo in Survey No. 122 P, 123 P, 277 P of Kodibag Village.	Coastal goods	Loading and unloading.
			Area measuring : 10 mtr x 30 mtr.	Boundaries : North— River East— 122, 123. South— 282, 283. West— 281	
	12	-do-	Land in survey No. 1188, 1168 and 1162 of chitankula.	-do-	-do-
			Area measuring : A. G. A. 1 32 5½	Boundaries : North— Private lands East— Kali river South— Private lands. West— Marshy land.	
2. Tadri Port	2	Govt./State Dept.	Foreshore land lying south of fisheries wharf.	Coastal goods	Loading and unloading
			Area measuring : 200 mtr. x 30 mtr	Boundaries : North— Fisheries built up wharf. East— Foreshores and Aghanashini river. South— Foreshore and Sea. West— Fisheries Road and Foreshore.	
	3	-do-	Aghanashini river bed utilised for stocking chyama Shells by M/s. Goankar Mines and a stretch thereto.	-do-	-do-
			Area measuring : 225 mtr. x 20 mtr.	Boundaries : North— River East— River bed, South— P.W.D. Road from Tadri to Sanikatta. West— Private garden land.	

## (उत्पाद शुल्क समाहर्ता का कार्यालय)

मद्रास, 15 फरवरी, 1979

## सीमा-शुल्क

क्र. आ. 782.—सीमा शुल्क अधिनियम, 1962 के उप खंड (अ) खण्ड 152 के अन्तर्गत, भारत सरकार वित्त मंत्रालय (राजस्व और सीमा) नई दिल्ली से जारी की गई अधिसूचना संख्या 79/सीमा-शुल्क 7 तारीख 18 जुलाई, 1975 के अधिवासों पर प्रयोग करते हुए उत्पाद शुल्क समाहर्ता, मद्रास, जो वित्त मंत्रालय (राजस्व विभाग) से अधिसूचना संख्या 37 सीमा शुल्क दिनांक 1 फरवरी, 1963 के अनुसार केन्द्रीय उत्पाद शुल्क समाहर्ता के कार्यालय के कार्य क्षेत्र के अंतर्गत "सीमाशुल्क समाहर्ता" भी नियुक्त है, तमिलनाडु राज्य के चिंगलपट्ट जिले में "ओट्टेरी ग्राम" (वण्डलूर के समीप) को सीमा-शुल्क अधिनियम 1962 के खण्ड 9 के अंतर्गत (1962 का 52) "भाण्डागार स्टेशन" घोषित करते हैं।

[सं. सी नं., 8/40/4/78 सीमा-शुल्क निरीक्षण]

माधव वैद्या, समाहर्ता

(Office of the Central Excise Collectorate)

Madras, the 15th February, 1979

## CUSTOMS

S.O. 782.—In exercise of the powers conferred by Notification No. 79/Customs VII dated 18-7-75 issued by the Government of India, Ministry of Finance, (Department of Revenue and Insurance), New Delhi under clause (a) of Section 152 of the Customs Act, 1962, the Collector of Central Excise, Madras also appointed as "Collector of Customs" within the jurisdiction of the Madras Central Excise Collectorate by Government of India, Ministry of Finance, (Department of Revenue) Notification No. 37 Customs dated the 1st February, 1963 hereby declares "OTTERI" (near Vandalur) in Chengalpet District, Tamilnadu State to be a warehousing station under section 9 of the Customs Act, 1962 (52 of 1962).

[C. No. VIII/40/4/78-Cus. Pol.]

M. G. VAIDYA, Collector

## वाणिज्य, आगारिक आपूर्ति तथा सहकारिता मंत्रालय

नई दिल्ली, 3 मार्च, 1979

क्र. आ. 783.—केन्द्रीय सरकार नियमित (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 4, 7(1) और 13 के साथ पठित धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए (क्वालिटी नियंत्रण और निरीक्षण) संशोधन नियम, 1977 में निम्नलिखित संशोधन करती हैं, अर्थात् :—

नियमित (क्वालिटी नियंत्रण और निरीक्षण) संशोधन नियम, 1977 की उद्देशिका में "खंड 17" शब्द और अंकों के स्थान पर "खंड 4, 7(1) और 13 के साथ पठित खंड 17" शब्द और अंक रख जाएंगे।

[सं. 1(3)/76-नि. नि. तथा नि. उ.]

सी. बी. कुकरेती, संयुक्त निदेशक

MINISTRY OF COMMERCE, CIVIL SUPPLY AND  
CO-OPERATION

New Delhi, the 3rd March, 1979

S.O. 783.—In exercise of the powers conferred by section 17 read with sections 4, 7(1) and 13 of the Export (Quality

Control and Inspection) Act, 1963 (22 of 1963) the Central Government hereby makes the following amendments to the Export (Quality Control and Inspection) Amendment Rules, 1977 namely :—

In the preamble to the Export (Quality Control and Inspection) Amendment Rules, 1977, for the expression "Section 17" the expression "Section 17, read with Section 4, 7(1) and 13", shall be substituted.

[No. 1(3)/76-EI&amp;EP]

C. B. KUKRETI, Jt. Director

## ऊर्जा मंत्रालय

## (कोयला विभाग)

नई दिल्ली, 16 फरवरी 1979

क्र.आ. 784.—केन्द्रीय सरकार ने, कोयला वाले क्षेत्र (ग्रौन्ड और विकास) अधिनियम, 1957 (1957 का 20) की धारा 7 की उपधारा (1) के अधीन जारी की गई, भारत सरकार के ऊर्जा मंत्रालय (कोयला विभाग) की अधिसूचना सं. क्र. 3437, तारीख 14 अक्टूबर, 1977 द्वारा, उस अधिसूचना से उपाय प्रमुखी में विनिर्दिष्ट परिक्षेत्र में भूमि अर्जित करने के अपने धाम्य की सूचना दी थी,

और मध्य प्राधिकारी ने उक्त अधिनियम की धारा 8 के अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है,

और केन्द्रीय सरकार का पूर्वोक्त रिपोर्ट पर विचार करने के पश्चात् तथा विचार सरकार ने परामर्श करने के पश्चात्, यह समाधान हो गया है कि इनके उपाय प्रमुखी में वर्णित 692.74 एकड़ (लगभग) या 280.34 हेक्टेयर (लगभग) माप की भूमियों को अर्जित कर लिया जाना चाहिए,

अतः अथ, केन्द्रीय सरकार, उक्त अधिनियम की धारा 9 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त प्रमुखी में वर्णित 692.74 एकड़ (लगभग) या 280.34 हेक्टेयर (लगभग) माप की भूमियां अर्जित कर ली गई हैं।

2. इस अधिसूचना के अन्तर्गत आने वाले क्षेत्र के रेखांक का निरीक्षण उपायुक्त कार्यालय पालामऊ (बाल्टनगंज), बिहार या कोयला निरीक्षण का कार्यालय, 1 कार्डमिल हाउस स्ट्रीट, कलकत्ता या सेंट्रल कोल फील्ड्स नि. कार्यालय (राजस्व अनुभाग) दरभंगा हाउस, रांची (बिहार) में किया जा सकता है,

## अनुसूची

## लोहारी खण्ड

बाल्टनगंज-मुनार कोयला क्षेत्र

पालामऊ (बिहार)

क्र. सं. राजस्व/14/78

तारीख 21-1-78

(जिसमें अर्जित की गई भूमि दर्शित की गई है)

## सभी अधिकार

क्रम सं.	शाम	थाना	थाना सं.	जिला क्षेत्रफल	टिप्पणियां
1.	गरेरियाडीह	पाटन	195	पालामऊ	भाग
2.	लोहारी	"	197	"	"
3.	लोहारा	"	199	"	"
कुल क्षेत्रफल			692.74	एकड़	(लगभग)
या			280.34	हेक्टेयर	(लगभग)

गरेरिया डीह ग्राम में अर्जित किए गए प्लॉटों के संख्यांक :

1 से 153, 154 पी, 156, 157(पी), 158 से 205, 206(पी), 207 से 255, 256(पी), 257(पी), 258(पी), 319(पी), 378(पी), 377, 378, 379, 380, 381(पी), 382 से 403, 404(पी), 405 (पी), 406 से 428, 445(पी), 446 से 452, 453(पी), 454(पी), 455(पी), 456(पी), 457(पी), 544(पी), 545, 547, 546(पी), 548(पी), 552(पी), 1943, 1944, 1947, 1948(पी), 1949, 1950(पी),

लोहन्डी ग्राम में अर्जित किए गए प्लॉटों के संख्यांक :—

310(पी), 321(पी), 326(पी), 327, 328, 329, 330, 331(पी), 332 से 342, 343(पी), 344 से 354, 355(पी), 356(पी), 358(पी) 359(पी), 360(पी), 361 से 396, 397 (पी), 435(पी), 436(पी), 437(पी), 438(पी), 441(पी), 442 से 449, 450(पी), 564(पी), 566, 587(पी), 588, लोहन्डी ग्राम की प्लॉट सं० 448 से घिरा हुआ एक असंख्यांकित प्लॉट और गरेरिया डीह ग्राम की प्लॉट सं० 1947.

लोहारा ग्राम में अर्जित किए गए प्लॉटों के संख्यांक :—310(पी)

1 से 523, 524(पी), 525, 526, 527(पी), 528(पी), 545(पी) 550(पी), 551(पी), 552(पी), 553(पी), 554 से 598, 599(पी), 600 (पी), 602(पी), 616(पी), 617 से 624, 625(पी), 626, 627 (पी), 628 से 633, 634(पी), 635(पी), 636 से 644, 645(पी), 646(पी), 647(पी), 648, 649, 650, 651(पी), 653(पी), 654(पी), 655(पी), 656(पी), 664(पी), 665(पी), 666(पी), 667(पी), 674(पी), 675(पी), 676(पी), 708(पी), 701, 702, 704(पी), 766, 766, 767, 768, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780 और 781.

सीमा वर्णन :—

ए-बी लाइन कुर्गुथी नदी के भागतः केन्द्रीय लाइन (जो लोहारा और गिरिबास ग्रामों की भागतः सामान्य सीमा है) के साथ-साथ जाती है।

बी-सी० लाइन ग्राम लोहारा की प्लॉट सं० 708, 524, 528 527, 550, 551, 553, 552, 545, 602, 600, 599, 625, 616, 676, 674, 627, 634, 635, 667, 666, 665, 645, 664, 645, 646, 647, 651, 653, 654, 655, 656, 764 से गुजरती है, फिर गरेरियाडीह और कथेतिया ग्रामों की भागतः सामान्य सीमा के साथ-साथ भागतः प्लॉट सं० 156 के साथ-साथ प्लॉट सं० 1950 और 154 से गुजरती है और फिर ग्राम गरेरियाडीह की प्लॉट सं० 157 से गुजरती है।

सी-डी लाइन प्लॉट सं० 157, 440 की सामान्य सीमा के साथ-साथ फिर ग्राम गरेरियाडीह की प्लॉट सं० 445, 457, 456, 455, 454, 453, 544, 547, 548, 552, 405, 404, 378, 381 और 258 से होकर जाती है।

डी-ई लाइन ग्राम गरेरियाडीह की प्लॉट सं० 258, 257, 256, 208, 1948, 319 से, फिर प्लॉट सं० 32 की भागतः पश्चिमी सीमा के साथ-साथ प्लॉट सं० 564, 450, 441, 438, 437, 436, 435, 397, 587, 310, 331, 332 से फिर लोहन्डी ग्राम के प्लॉट सं० 326 और 343 से होकर जाती है।

ई-एक लाइन ग्राम लोहन्डी की प्लॉट सं० 343, 355, 343, 350, 358, 359 और 360 से होकर जाती है।

एफ-बी लाइन लोहन्डी और पण्डरा ग्रामों की भागतः सामान्य सीमा के साथ-साथ जाती है।

जी-ए लाइन लोहारा और पण्डरा ग्रामों के साथ सामान्य सीमा बनाती है और आरम्भिक बिन्दु "ए" पर मिलती है।  
[सं० 19(10)/78-सी० एन०]

## MINISTRY OF ENERGY

(Department of Coal)

New Delhi, the 16th February, 1979

S. O. 784.—Whereas by the notification of the Government of India in the Ministry of Energy (Department of Coal) No. S. O. 3437 dated the 14th October, 1977, issued under sub-section (1) of section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government gave notice of its intention to acquire the lands in the locality specified in the Schedule appended to that notification;

And whereas the competent authority in pursuance of section 8 of the said Act has made his report to the Central Government;

And whereas the Central Government after considering the report aforesaid, and, after consulting the Government of Bihar, is satisfied that the lands measuring 692.74 acres (approximately) or 280.34 hectares (approximately) described in the Schedule appended hereto should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 9 of the said Act, the Central Government hereby declares that the lands measuring 692.74 acres (approximately) or 280.34 hectares (approximately) described in the said schedule are hereby acquired.

2. The plans of the area covered by this notification may be inspected in the Office of the Deputy Commissioner, Palamau (Daltonganj) Bihar, or in the Office of the Coal Controller 1, Council House Street, Calcutta, or in the Office of the Central Coalfields Limited (Revenue Section), Darbhanga House, Ranchi (Bihar).

### SCHEDULE

Lohari Block

Daltonganj-Hatar Coalfield

Palamau (Bihar)

Org. No. RIV/4/78 Dt. 21-1-78

(Showing the lands acquired)

#### All Rights

Serial No.	Village	Thana	Thana number	District	Remarks
1.	Gareriadih	Patna	195	Palamau	Part
2.	Lohandi	Do.	197	Do.	Do.
3.	Lohanra	Do.	199	Do.	Do.

Total area:—692.74 acres (approximately)  
or 280.34 hectares (approximately)

Plot numbers acquired in village Gareriadih :—

1 to 153, 154(P), 156, 157(P), 158 to 205, 206(P), 207 to 255, 256(P), 257(P), 258(P), 319(P), 376(P), 377, 378, 379, 380, 381(P), 382 to 403, 404(P), 405(P), 406 to 428, 445(P), 446 to 452, 453(P), 454(P), 455(P), 456(P), 457(P), 544(P), 545, 546, 547(P), 548(P), 552(P), 1943, 1944, 1947, 1948(P), 1949 & 1950(P).

## Plot numbers acquired in village Lohandi:—

310(P), 321(P), 326(P), 327, 328, 329, 330, 331(P), 332 to 342, 343(P), 344 to 354, 355(P), 356(P), 358(P), 359(P), 360(P), 361 to 396, 397(P), 435(P), 436(P), 437(P), 438(P), 441(P), 442 to 449, 450(P), 564(P), 566, 587(P), 588. One numbered plot surrounded by plot no. 448 of village Lohandi and Plot no. 1947 of village Gareriadih.

## Plot numbers acquired in village Lohanra:—

1 to 523, 524(P), 525, 526, 527(P), 528(P), 545(P), 550(P), 551(P), 552(P), 553(P), 554 to 598, 599(P), 600(P), 602(P), 616(P), 617 to 624, 625(P), 626, 627(P), 628 to 633, 634(P), 635(P), 636 to 644, 645(P), 646(P), 647(P), 648, 649, 650, 651(P), 653(P), 654(P), 655(P), 656(P), 664(P), 665(P), 666(P), 667(P), 674(P), 675(P), 676(P), 708(P), 761, 762, 764(P), 765, 766, 767, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780 and 781.

## Boundary description:—

A-B line passes along the part central line of Durgawati River (which forms part common boundary of villages Lohanra and Garikhas.

B-C line passes through plot nos. 708, 524, 528, 527, 550, 551, 553, 552, 545, 602, 600, 599, 625, 616, 676, 675, 674, 627, 634, 635, 667, 666, 665, 645, 664, 645, 646, 647, 651, 653, 654, 655, 656, 764 of village

Lohanra, then passes through plot no. 1950 and 154 along southern boundary of plot no. 156, along part common boundary of villages Gareriadih and Kathautia, then through plot no. 157 of village Gareriadih.

C-D line passes along the common boundary of plot nos. 137, 440, through plot nos. 445, 457, 456, 455, 454, 453, 544, 547, 548, 552, 405, 404, 376, 381 and 258 of village Gareriadih.

D-E line passes through plot nos. 258, 257, 256, 206, 1948, 319, of village Gareriadih, then through plot nos. 564, 450, 441, 438, 437, 436, 435, 397, 587, 310, 331, 321, along the part western boundary of plot no. 321, through plot nos. 326 and 343 of village Lohandi.

E-F line passes through plot nos. 343, 355, 343, 356, 358, 359 and 360 of village Lohandi.

F-G line passes along the part common boundary of villages Lohandi and Pandwa.

G-A line forms common boundary with the villages of Lohanra and Pandwa and meets at starting point 'A'.

[No. 19[10] 78-CL]

नई दिल्ली, 17 फरवरी, 1979

क्रा० शा० 785.—केन्द्रीय सरकार को यह प्रतीत होता है कि इनसे उपाखण्ड अनुसूची में कोयला अधिप्राप्त किए जाने की सम्भावना है;

अतः, अब, केन्द्रीय सरकार, कोयला वाले क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) प्रवक्त शक्तियों का प्रयोग करने हुए, कोयले का पूर्वेक्षण करने के अन्तर्गत अधिनियम की सूचना देती है।

इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखांक का निरीक्षक, मुख्य खनन इंजीनियर (निर्माण और विकास) ईस्टर्न कोलफील्ड्स लिमिटेड, डाकघर विशेरगढ़, जिला बर्धमान पश्चिमी बंगाल या उपाययुक्त, बुमका विहार या कोयला निरीक्षक का कार्यालय (कौंसिल हाउस स्ट्रीट, कलकत्ता में किया जा सकता है :

इस अधिसूचना के अधीन आने वाली भूमि में हितवद्ध कोई व्यक्ति, उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों, चारों और अन्य दस्तावेजों की, कोयला वाले क्षेत्र (अर्जन और विकास) नियम, 1957 के नियम 5 की अपेक्षाानुसार इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से 90 दिन के भीतर मुख्य खनन इंजीनियर (निर्माण और विकास) ईस्टर्न कोलफील्ड्स लिमिटेड, विशेरगढ़ को भेजेगा।

इलाक अनुसूची—क

राजमहल कोयला क्षेत्र

रेखांक सं० 33-1893

तारीख 27-11-1978

(जिसमें पूर्वेक्षण के लिए अधिसूचित भूमि दर्शाई की गई है)

क्रम सं०	सौजा ग्राम	थाना संख्या	पुनिस स्टेशन/थाना	जिला	क्षेत्र एकड़ों में	टिप्पण
1	2	3	4	5	6	7
1. केंदुआ		30	बियारिजर (बंगला सिमरा 1)	संथाल परगना		भाग
2. तितरीया		31	यथोक्त	यथोक्त	यथोक्त	पूर्ण
3. पहाड़पुर (आरक्षित वन)		32	यथोक्त	यथोक्त	यथोक्त	भाग
4. बड़ा सिमरा		33	यथोक्त	यथोक्त	यथोक्त	पूर्ण
5. छोटा सिमरा		34	यथोक्त	यथोक्त	यथोक्त	यथोक्त
6. घाट सिमरा		35	यथोक्त	यथोक्त	यथोक्त	यथोक्त
7. सुअर मारी		36	यथोक्त	यथोक्त	यथोक्त	टोला
8. घाट नीमा		37	यथोक्त	यथोक्त	यथोक्त	यथोक्त
9. चितर कोठि		38	यथोक्त	यथोक्त	यथोक्त	भाग
10. तेलगमा		39	यथोक्त	यथोक्त	यथोक्त	यथोक्त

1	2	3	4	5	6	7
11.	सीमा कलां	41	ब्रियारिजर (बंगला सिमरा I)		संथाल परगना	भाग
12.	हिजुकीता	42	यथोक्त	यथोक्त	यथोक्त	पूर्ण
13.	लालगटिया	43	यथोक्त	यथोक्त	यथोक्त	यथोक्त
14.	रंगामटिया	43/66	यथोक्त	यथोक्त	यथोक्त	यथोक्त
15.	डकेता	44	यथोक्त	यथोक्त	यथोक्त	भाग
16.	लोहदिया	45	यथोक्त	यथोक्त	यथोक्त	पूर्ण
17.	लेहदिया बाजार	46	यथोक्त	यथोक्त	यथोक्त	यथोक्त
18.	वासडिहा	47	यथोक्त	यथोक्त	यथोक्त	यथोक्त
19.	पहाड़पुर	48	यथोक्त	यथोक्त	यथोक्त	भाग
20.	भरन्दा	49	यथोक्त	यथोक्त	यथोक्त	पूर्ण
21.	हरराखा	50	यथोक्त	यथोक्त	यथोक्त	यथोक्त
22.	रानीडीह	53	यथोक्त	यथोक्त	यथोक्त	भाग
23.	दुमारखेल	57	यथोक्त	यथोक्त	यथोक्त	यथोक्त
24.	बाबूपुर	58	यथोक्त	यथोक्त	यथोक्त	यथोक्त
25.	बड़ाखेला	59	यथोक्त	यथोक्त	यथोक्त	यथोक्त
26.	झुमारिया	1	यथोक्त (बंगला सिमरा II)		यथोक्त	यथोक्त
27.	लीलातोड़ी	11	यथोक्त	यथोक्त	यथोक्त	पूर्ण
28.	हरीपुर	12	यथोक्त	यथोक्त	यथोक्त	भाग
29.	हाहाजोर	13	यथोक्त	यथोक्त	यथोक्त	यथोक्त
30.	पुचलुखी	14	यथोक्त	यथोक्त	यथोक्त	पूर्ण
31.	रंगामटिया	15	यथोक्त	यथोक्त	यथोक्त	यथोक्त
32.	छोटा खेरनी	16	यथोक्त	यथोक्त	यथोक्त	यथोक्त
33.	छोटा भोराई	17	यथोक्त	यथोक्त	यथोक्त	यथोक्त
34.	बड़ा भोराई	18	यथोक्त	यथोक्त	यथोक्त	यथोक्त
35.	ताल झारी	19	यथोक्त	यथोक्त	यथोक्त	भाग
36.	केसगोरिया (भारक्षित वन)	20	यथोक्त	यथोक्त	यथोक्त	यथोक्त
37.	झाबरा	30	यथोक्त	यथोक्त	यथोक्त	भाग
38.	रोहरी नारायणपुर	31	यथोक्त	यथोक्त	यथोक्त	यथोक्त
39.	जोल पहाड़ी	32	यथोक्त	यथोक्त	यथोक्त	यथोक्त
40.	रायडीह	33	यथोक्त	यथोक्त	यथोक्त	पूर्ण
41.	पियराम	34	यथोक्त	यथोक्त	यथोक्त	भाग
42.	फूलबरिया	35	यथोक्त	यथोक्त	यथोक्त	यथोक्त
43.	हर्ता	36	यथोक्त	यथोक्त	यथोक्त	यथोक्त
44.	माहू बेठान	37	यथोक्त	यथोक्त	यथोक्त	यथोक्त
45.	मडियाल	38	यथोक्त	यथोक्त	यथोक्त	यथोक्त
46.	जाभरा	39	यथोक्त		यथोक्त	भाग
47.	भारक्षित वन		यथोक्त	यथोक्त	यथोक्त	यथोक्त
48.	लोहा तांवा और भगोय	7	यथोक्त	बंगला टीले	यथोक्त	यथोक्त
49.	भाल योरा	8	यथोक्त	यथोक्त	यथोक्त	भाग
50.	बड़ा भमरपुर	28	यथोक्त	यथोक्त	यथोक्त	यथोक्त
51.	छोटा भमरपुर	29	यथोक्त	यथोक्त	यथोक्त	यथोक्त
52.	भरना किता	696	माहागामा		यथोक्त	यथोक्त
53.	धानकुड़ावा	697	यथोक्त		यथोक्त	यथोक्त
54.	भक्तपुरी	705	यथोक्त		यथोक्त	यथोक्त
55.	केवुआ कीता	706	यथोक्त		यथोक्त	यथोक्त
56.	कैदुआ कीता	707	यथोक्त		यथोक्त	पूर्ण

1	2	3	4	5	6	7
57. मुसमहा		708	बियारिजर (बंगला सिमरा II)	संथाल परगना		पूर्ण
58. तेलरिया		709	यथोक्त	यथोक्त		यथोक्त
59. लकरा बांक		710	यथोक्त	यथोक्त		यथोक्त
60. बलिया घाट		711	यथोक्त	यथोक्त		यथोक्त
61. बलिया कुरमीकीता		712	यथोक्त	यथोक्त		भाग
62. रबियाडीह (सन्ताली)		713	महागामा	यथोक्त		यथोक्त
63. रक्षाकीता		714	यथोक्त	यथोक्त		यथोक्त
64. डेमानकीता		715	यथोक्त	यथोक्त		यथोक्त
कुल क्षेत्र				12,680 एकड़ लगभग		
				5,132 हेक्टेयर लगभग		

सीमा वर्णन :

क—ख रेखा मौजा चितरकोटी, तेलगमा, मीमा कलां, डकैता, लोहनिया, रामीडीह, हरराखा और इमरखेल से होती हुई बिन्दु "ख" पर मिलती है।

ख—ग रेखा मौजा इमरखेल, बाबपुर और बड़ा खेता से होती हुई बिन्दु "ग" पर मिलती है।

ग—घ रेखा मौजा बड़ा खेता और पहाड़पुर से होती हुई बिन्दु "घ" पर मिलती है।

घ—ङ रेखा मौजा पहाड़पुर, लालधारी, कागोबिया, रायडीह, जोलपहाड़ी, रेहारी नरायणपुर और फलवरिया से होती हुई बिन्दु "ङ" पर मिलती है।

ङ—च रेखा मौजा कुलवरिया, डकैता, महुआबाधन, मालगोड़ा, लोहानाम्बा और अगोइया से होती हुई और मालगोड़ा, छोटा इमरपुर और बड़ा इमरपुर से होती हुई बिन्दु "च" पर मिलती है।

च—छ रेखा मौजा बड़ा इमरपुर, छोटा इमरपुर और आरक्षित वन से होती हुई बिन्दु "छ" पर मिलती है।

छ—ज रेखा मौजा, आरक्षित वन, गडियाल से होते हुए पुनः आरक्षित वन, चाकरा, हरां खेलातारी, हाहाजोर और पंचरुली से होती हुई बिन्दु "ज" पर मिलती है।

ज—झ रेखा मौजा पंचरुली, पहाड़पुर, तेलरिया, इमरिया, रबियाडीह (सन्ताली) रक्षाकीता और डेमान कीता से होती हुई बिन्दु "झ" पर मिलती है।

झ—ञ रेखा मौजा डेमान कीता, बलिया, कुरमीकीता, मरनाकीता, धानकुरवा और अकसमी से होती हुई बिन्दु "ञ" पर मिलती है।

ञ—क रेखा मौजा अकसमी, केबुआ कीता, चितरकोटी से होती हुई आरंभिक बिन्दु "क" पर मिलती है।

[संख्या 19/73/78-सी०एल०]

एस० आर० ए० रिड्डी, निदेशक

New Delhi, the 17 February, 1979

**S. O. 785—**Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein.

The Plan of the area covered by this notification may be inspected in the office of the Chief Mining Engineer (Construction and Development), Eastern Coalfields Limited, Post Office—Dishergarh, District—Burdwan, West Bengal, or in the office of the Deputy Commissioner, Dumka (Bihar) or in the office of the Coal Controller, 1, Council House Street, Calcutta.

Any person interested in the lands covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of Section 13 of the said Act to the Chief Mining Engineer (Construction and Development), Eastern Coalfields Limited, Dishergarh, within ninety days from the date of the publication of this notification in the Gazette of India, as required by rule 5 of the Coal Bearing Areas (Acquisition and Development) Rules, 1957.

**SCHEDULE  
BLOCK—A  
RAJMAHAL COALFIELD**

Drawing No. 33/1893

Dated : 27-11-1978.

(Showing lands notified for prospecting)

Sl. No.	Mouza (Village)	Thana Number	Police Stn. (Thana).	District	Area in acres	Remarks
1	2	3	4	5	6	7
1.	Kendua	30	Boarjor	(Bungalow Simra-I) Santhal Pargana		Part
2.	Tetaria	31	Do.	Do.	Do.	Full
3.	Paharpur (Resv. Forest)	32	Do.	Do.	Do.	Past
4.	Bara Simra	33	Do.	Do.	Do.	Full
5.	Chhota Simra	34	Do.	Do.	Do.	Do.
6.	Ghat Simra	35	Do.	Do.	Do.	Do.



1	2	3	4	5	6	7
7. Suarhari		36	Boarijor	(Bungalow Simra-II)	Santhal Pargana	Part (2 tolas)
8. Ghat Nima		37	Do.	Do.	Do.	Do.
9. Chitarkoti		38	Do.	Do.	Do.	Part
10. Telgama		39	Do.	Do.	Do.	Do.
11. Nima Kalan		41	Do.	Do.	Do.	Do.
12. Hijukita		42	Do.	Do.	Do.	Full
13. Lalmatia		43	Do.	Do.	Do.	Do.
14. Rangamatia		43/66	Do.	Do.	Do.	Do.
15. Dakaita		44	Do.	Do.	Do.	Part
16. Lohandiya		45	Do.	Do.	Do.	Full
17. Lohandia Bazar		46	Do.	Do.	Do.	Do.
18. Basdiha		47	Do.	Do.	Do.	Do.
19. Paharpur		48	Do.	Do.	Do.	Part
20. Bharenda		49	Do.	Do.	Do.	Full
21. Harrakha		50	Do.	Do.	Do.	Part
22. Ranidih		53	Do.	Do.	Do.	Do.
23. Dumarkol		57	Do.	Do.	Do.	Do.
24. Babupur		58	Do.	Do.	Do.	Do.
25. Bara Kotha		59	Do.	Do.	Do.	Do.
26. Dumria		1	Do.	Do.	Do.	Do.
27. Lilatori		11	Do.	Do.	Do.	Do.
28. Haripur		12	Do.	Do.	Do.	Full
29. Hahejor		13	Do.	Do.	Do.	Part
30. Panchrukhi		14	Do.	Do.	Do.	Do.
31. Rangamatia		15	Do.	Do.	Do.	Full
32. Chhota Khirboni		16	Do.	Do.	Do.	Do.
33. Chhota Bhodai		17	Do.	Do.	Do.	Do.
34. Bara Bhorai		18	Do.	Do.	Do.	Do.
35. Taljhari		19	Do.	Do.	Do.	Part
36. Kesgoria (Resv Forest)		20	Do.	Do.	Do.	Do.
37. Dabra		30	Do.	Do.	Do.	Do.
38. Rohari Naraynpur		31	Do.	Do.	Do.	Part
39. Jolopahari		32	Do.	Do.	Do.	Do.
40. Raydih		33	Do.	Do.	Do.	Do.
41. Piaran		34	Do.	Do.	Do.	Full
42. Phulbaria		35	Do.	Do.	Do.	Part
43. Harra		36	Do.	Do.	Do.	Do.
44. Mahua bathan		37	Do.	Do.	Do.	Do.
45. Gadial		38	Do.	Do.	Do.	Do.
46. Chakra		39	Do.	Do.	Do.	Do.
47. Reserved Forest			Do.	Do.	Do.	Do.
48. Lohatamba & Agoia		7	Do.	(Bungalow Tolo)	Do.	Do.
49. Bhalgora		8	Do.	Do.	Do.	Do.
50. Bara Amarpur		28	Do.	Do.	Do.	Do.
51. Chhota Amarpur		29	Do.	Do.	Do.	Do.
52. Jharna Kita		696	Mahagama		Do.	Do.
53. Dhankurda		697	Do.		Do.	Do.
54. Akasni		705	Do.		Do.	Do.
55. Kechua Kita		706	Do.		Do.	Do.
56. Kendua Kita		707	Do.		Do.	Full
57. Kusmaha		708	Do.		Do.	Do.

1	2	3	4	5	6	7
58. Tetaria		709	Mahagama		Santhal Pargana	Full
59. Lakra bank		710	Do.		Do.	Do.
60. Balia Ghat		711	Do.		Do.	Do.
61. Balia Kurmika		712	Do.		Do.	Part
62. Rabiadih (Santali)		713	Do.		Do.	Do.
63. Raksa Kita		714	Do.		Do.	Do.
64. Doman Kita		715	Do.		Do.	Do.
Total Area—					12,680 acres	
					(approxim-	
					ately)	
or					5,132 hectares	
					(approxim-	
					ately)	

## BOUNDARY DESCRIPTION :

A-B	—Line passes through mouzas Chitarkoti, Telgama, Nima Kalan, Dakaita, Lohandiya, Ranidih, Harakha and Dumarkol and Meets at point 'B'.
B-C	—Line passes through mouzas Dumarkol, Babupur and Bara Kotha and meets at point 'C'.
C-U	—Line passes through mouzas Bara Kotha and Paharpur and meets at point 'D'.
D-E	—Line passes through mouzas Paharpur, Taljhari, Kesgoria, Raydih, Jolopahari, Rohari Naraynpur and Phulbaria and meets at point 'E'.
E-F	—Line passes through mouzas Phulbaria, Dabra, Mahuabathan, Bhalgora, Lohatamba and Agoia, again Bhalgora, Chhota Amarpur and Bara Amarpur and meets at point 'F'.
F-G	—Line passes through mouzas Bara Amarpur, Chhota Amarpur and Reserved Forest and meets at point 'G'.
G-H	—Line passes through mouzas Reserved Forest, Gadial, again Reserved Forest, Chakra, Harra, Lilatari, Hahajor and Panchrukhi and meets at point 'H'.
H-I	—Line passes through mouzas Panchrukhi, Paharpur, Tetaria, Dumria, Rabiadih (Santali), Raksa Kita and Doman kita and meets at point 'I'.
I-J	—Line passes through mouzas Doman Kita, Balia Kurmika, Jharnakita, Dhankurda and Akasni and meets at point 'J'.
J-A	—Line passes through mouzas Akasni, Kechua kita, Kondua and Chitarkoti and meets at the starting point 'A'.

[No. 19(73)/78-CL]

S.R.A. RIZVI, Director

## (विद्युत विभाग)

नई दिल्ली, 17 फरवरी, 1979

का०शा० 786.—केन्द्रीय सरकार, सरकारी स्थान (अप्राधिकृत अधिकारियों की वेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, नीचे की सारणी के स्तम्भ (1) उल्लिखित अधिकारियों को, जो सरकार के राजपत्रित अधिकारी और नियमित प्राधिकरण की समस्त पंक्ति के अधिकारी हैं, उक्त अधिनियम के प्रयोजन के लिए सम्पदा अधिकारी नियुक्त करती है, और उक्त अधिकारी उक्त सारणी के स्तम्भ (2) में तत्स्थानी प्रविष्टि में विनिर्दिष्ट सरकारी स्थानों की बाबत अपनी अधिकारिता की स्थानीय सीमाओं के भीतर, उक्त अधिनियम द्वारा या उसके अधीन सम्पदा अधिकारियों को प्रवृत्त सभी शक्तियों का प्रयोग और अधिरोपित कर्तव्यों का पालन करेंगे।

## सारणी

अधिकारी का पदनाम	सरकारी स्थानों के प्रबंध और अधिकारिता की स्थानीय सीमाएं
(1)	(2)
1. अधीक्षक-इंजीनियर, भाखड़ा बांध सफिल, नागल टाउन-शिप	पंजाब, हिमाचल प्रदेश राज्यों और जण्डोगढ़ तथा दिल्ली संघ राज्यक्षेत्रों में भाखड़ा-व्यास प्रबंध बोर्ड (सिंचाई पक्ष) के प्रबंध और नियंत्रण के अधीन अथवा उनके द्वारा पट्टे पर लिए गए अथवा खरीदे गए स्थान।

1	2
2. अधीक्षक-इंजीनियर, प्रचालन और अनुरक्षण सफिल, राज्यों और दिल्ली तथा जण्डोगढ़ भाखड़ा व्यास प्रबंध बोर्ड, संघ राज्यक्षेत्रों में भाखड़ा व्यास प्रबंध बोर्ड (विद्युत पक्ष) के प्रबंध और नियंत्रण के अधीन अथवा उनके द्वारा पट्टे पर लिए गए अथवा खरीदे गए स्थान।	

[का० सं० 5/40/71-बी०एण्ड सी०/डी० इल्यू (एन)]

पी० एम० बेसिअप्पा, संयुक्त सचिव

## (Department of Power)

New Delhi, the 17th February, 1979

S. O. 786—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971) the Central Government hereby appoint the officers mentioned in column (1) of the Table below, being Gazetted Officers of Government and officers of equivalent rank of Corporate Authority, to be Estate Officers for the purpose of the said Act, and the said officers shall exercise all the powers conferred and perform the duties imposed on Estate Officers by or under the said Act, within the local limits of his jurisdiction in respect of the Public Premises specified in the corresponding entry in column (2) of the said Table.

TABLE

Designation of the officer	Categories of public premises and local limits of jurisdiction
1	2
1. Superintending Engineer, Bhakra Dam Circle, Nangal Township.	Premises under the management and control of or taken on lease or purchased by Bhakra Beas Management Board (Irrigation Wing) in the States of Punjab, Himachal Pradesh and the Union Territories of Chandigarh and Delhi.
2. Superintending Engineer, Operation & Maintenance Circle Bhakra Beas Management Board, Dhulkote (Ambala).	Premises under the Management and Control of or taken on lease or purchased by Bhakra Beas Management Board (Power Wing) in the States of Punjab, Haryana, Himachal Pradesh and the Union Territories of Delhi and Chandigarh.

[File No. 5/40/71-B&B/DW(N)]  
P.M. BELLIAPPA, Jt. Secy.

## कृषि और सिंचाई मंत्रालय

(कृषि विभाग)

नई दिल्ली, 17 फरवरी, 1979

क्र. आ. 787.—केन्द्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम 1976 के नियम 10 के उपनियम (4) के अनुसरण में कृषि और सिंचाई मंत्रालय (कृषि विभाग) के निम्नलिखित कार्यालयों को अधिसूचित करती हैं जिनके कर्मचारियों ने हिन्दी का कार्यासाधक ज्ञान प्राप्त कर लिया है :—

1. ट्रैक्टर प्रशिक्षण केंद्र, हिसार
2. वन साधनों का निवेश पूर्व सर्वेक्षण (मुख्यालय), देहरादून
3. वन साधनों का निवेश पूर्व सर्वेक्षण (उत्तरीय अंचल) शिमला
4. राष्ट्रीय बीज निगम (मुख्यालय), नई दिल्ली।

[3/11/78-वि. नी.]

एम. शंकरनारायणन, संयुक्त सचिव

## MINISTRY OF AGRICULTURE AND IRRIGATION

(Department of Agriculture)

New Delhi, the 17th February, 1979

S.O. 787.—In pursuance of sub-rule (4) of rule 10 of the Official Language (for official purposes of the Union) Rules 1976, the Central Government hereby notifies the following offices of the Ministry of Agriculture and Irrigation (Department of Agriculture), the staff of which have acquired working knowledge of Hindi :—

1. Tractor Training Centre Hissar.

2. Pre-investment Survey of Forest Resources (Headquarter) Dehradun.

3. Pre-investment Survey of Forest Resources (Northern Zone) Simla.

4. National Seeds Corporation (Headquarters), New Delhi.

[No. 3-11/78-H.N.]

M. SANKARNARAYANAN, Jt. Secy.

## नौषहन और परिवहन मंत्रालय

(परिवहन पक्ष)

नयी दिल्ली, 20 फरवरी, 1979

क्र.सं. 788.—नाविक भविष्य निधि योजना, 1966 के पैरा 44 के साथ पठित नाविक भविष्य निधि अधिनियम, 1966 (1966 का 4) की धारा 4 की उपधारा (3) के अनुसरण में तथा भारत सरकार के नौषहन और परिवहन मंत्रालय (परिवहन पक्ष) की अधिसूचना सं० सा० आ० 2254, दिनांक 23-6-1977 को अधिकांत करते हुए केन्द्रीय सरकार निदेश देती है कि भविष्य निधि संग्रहण, ब्याज तथा अन्य प्राप्तियों की भाय का निवेश, आवश्यक खर्च भटाने के बाद, निम्नलिखित पद्धति के अनुसार होगा, अर्थात् :—

- (i) केन्द्रीय सरकार द्वारा सृजित तथा निर्गत 20% से कम नहीं। सरकारी प्रतिभूतियां जिनके परिभाषा लोक ऋण अधिनियम 1944 (1944 का 18) की धारा 2 के खण्ड (2) में दी गयी है।
- (ii) राज्य सरकार द्वारा सृजित तथा निर्गत सरकारी प्रतिभूतियां जिनकी परिभाषा लोक ऋण अधिनियम 1944 (1944 का 18) की धारा 2 के खण्ड (2) में दी गयी है।
- (iii) अन्य परकाम्य प्रतिभूतियां या बांड जिन के मूलधन और उन के ब्याज के लिए केन्द्रीय सरकार अथवा किसी राज्य सरकार ने बिना किसी शर्त के पुरो गारंटी दी हो।
- (iv) 7-वर्षीय राष्ट्रीय बचत प्रमाणपत्र पत्र (दूसरा और तीसरा निर्गम) या डाकघर सावधिक जमा। 35% से अधिक न हो।
- (v) भारत सरकार के वित्त मंत्रालय (आर्थिक कार्य विभाग) की अधिसूचना सं० एफ-16(1)-पीबी/75, दिनांक 30-6-75 द्वारा शुरू की गयी विशेष योजना। 25% से अधिक नहीं।

2. उपरोक्त व्यवस्था 1 जनवरी, 1979 से और आदेश होने तक लागू रहेगी। इस अधि में परिपक्व होने वाली डाकघर मियादी जमा का पुननिवेश 50% डाकघर मियादी जमा में और 50% विशेष जमा में किया जाएगा। इसी शर्त के अधीन भविष्य निधि संघ की अन्य सभी परिपक्व राशियों का पुनः निवेश उपरोक्त पैरा 1 में उल्लिखित पद्धति के अनुसार किया जाता रहेगा।

[सं० एम डब्ल्यूएस(1)/78-एमटी]

के० लाल, धवर सचिव

## MINISTRY OF SHIPPING AND TRANSPORT

(Transport Wing)

New Delhi the 20th February, 1979

S.O. 788.—In pursuance of sub-section (3) of Section 4 of the Seamen's Provident Fund Act, 1966 (4 of 1966), read, with paragraph 44 of the Seamen's Provident Fund Scheme 1966, and in supersession of the notification of the Government of India in the Ministry of Shipping & Transport (Transport Wing) No. S.O. 2254 dated 23-6-1977, the Central Government hereby directs that accumulations out of provident fund contributions, interest and other receipts as reduced by obligatory outgoings, shall be invested in accordance with the following pattern, namely:—

- |   |                      |
|---|----------------------|
| (i) Government securities as defined in Clause (2) of Section 2 of the Public Debt Act, 1944 (18 of 1944) created and issued by the Central Government.                         | Not less than 20%.   |
| (ii) Government securities as defined in Clause (2) of section 2 of the Public Debt Act, 1944 (18 of 1944) created and issued by any State Government.                          | } Not less than 20%. |
| (iii) Any other negotiable securities or bonds the principal where of and interest whereon is fully and unconditionally guaranteed by the Central Government or any State Govt. |                      |
| (iv) 7-Year National Saving Certificates (Second issue and Third Issue) or Post Office Time Deposits.   | Not exceeding 35%.   |
| (v) Special Deposit Scheme introduced by the Notification of the Govt. of India in the Ministry of Finance (Deptt. of Economic Affairs) No. F.16(1)-PD/75 dated 30-6-1975.      | Not exceeding 25%    |

2. The above pattern will be in force from the 1st January 1979 until further orders. Re-investment of Post Office Time Deposits maturing during this period shall be made 50% in Post Office Time Deposits and 50% in Special Deposits. Subject to this, re-investment of all other maturities of Provident Fund accumulations shall continue to be made in accordance with the pattern mentioned in paragraph 1 above.

[No. MWS(1)/79-MT  
K. LALL, Under Secy.

## सूचना और प्रसारण मंत्रालय

(प्रस आयोग)

नई दिल्ली, 17 फरवरी, 1979

प्रस आयोग द्वारा अपनाए जाने वाली कार्य-विधि के विनियमों में संशोधन

क्र. आ. 789.—जांच आयोग (केंद्रीय) नियम 1972 के नियम 8 के खण्ड (8) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए, प्रस आयोग (जिसका गठन भारत सरकार के सूचना और प्रसारण मंत्रालय की अधिसूचना संख्या 2/1/77-प्रस, दिनांक 29 मई 1978, जो असाधारण राजपत्र के भाग 1, खण्ड-1 में प्रकाशित हुई थी, के द्वारा

किया गया था) भारत के राजपत्र के भाग 2, खण्ड 3 के उपखण्ड (2), दिनांक 13 जनवरी 1979 (क्र. आ. संख्या 168) में प्रकाशित अपने द्वारा अपनाए जाने वाली कार्य-विधि के विनियमों में एतद्वारा निम्नलिखित संशोधन करती है :—

वर्तमान विनियम (4) के स्थान पर निम्नलिखित विनियम प्रतिस्थापित किया जाएगा :—

“(4) अध्यक्ष या अध्यक्ष द्वारा प्राधिकृत कोई सदस्य परिस्थितियों के अनुसार, किसी भी व्यक्ति को अधिसूचित करने के बाव, विचारणीय विषयों से सम्बन्धित किसी भी मामले पर किसी भी स्थान पर उससे पृच्छा कर सकता है।”

आयोग के आवेश से

[संख्या 17/1/78-पी. सी]

म. वा. देसाई, सचिव

## MINISTRY OF INFORMATION AND BROADCASTING

(Press Commission)

New Delhi, the 17th February, 1979

AMENDMENT OF REGULATIONS OF PROCEDURE  
TO BE FOLLOWED BY PRESS COMMISSION

S.O. 789.—In exercise of the powers conferred on it by Clause (8) of Rule 5 of the Commissions of Inquiry (Central) Rules, 1972, the Press Commission (constituted vide Ministry of Information and Broadcasting, Government of India, Gazette Extraordinary Notification No. 2/1/77-Press dated May 29, 1978, under Part I, Section 1) hereby makes the following amendment in the Regulations of Procedure to be followed by it published in the Gazette of India Part II, Section 3, Sub-Section (ii) dated January 13, 1979 (S.O. No. 168) :—

The existing Regulation (4) shall be deleted and substituted as follows :—

“(4) The Chairman or any Member authorised by the Chairman may, according to circumstances, after notifying any person, examine him at any place on any matter relevant to the terms of reference.”

By order of the Commission

[No. 17/1/78-PC]

M. V. DESAI, Secy.

संचार मंत्रालय

(डाक तार बोर्ड)

नई दिल्ली, 19 फरवरी, 1979

क्र. आ. 790.—स्थायी आवेश संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किए गए भारतीय तार नियम, 1951 के नियम 434 के खंड 111 के पैरा (क) के अनुसार डाक-तार महानिदेशक ने स्टूर टेलीफोन केंद्र में दिनांक 16-3-79 से प्रमाणित तार प्रणाली लागू करने का निश्चय किया है।

[संख्या 8-5-/79-पी. एच. बी.]

## MINISTRY OF COMMUNICATIONS

(P&amp;T Board)

New Delhi, the 19th February, 1979

S.O. 790.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specifies 16-3-79 as the date on

which the Measured Rate System will be introduced in Sattur Telephone Exchange, T. N. Circle.

[No. 5-5/79-PHB]

का. आ. 791.—स्थायी आदेश संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किए गए भारतीय तार नियम, 1951 के नियम 434 के खंड 111 के पैरा (क) के अनुसार डाक-तार महानिदेशक ने बीजापुर टेलीफोन केंद्र में दिनांक 16-3-79 से प्रमाणित वर प्रणाली लागू करने का निश्चय किया है।

[संख्या 5-9/79-पी.एच.पी.]

S.O. 791.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specifies 16-3-79 as the date on which the Measured Rate System will be introduced in Vijapur Telephone Exchange, Gujarat Circle.

[No. 5-9/79-PHB]

नई दिल्ली, 22 फरवरी, 1979

का. आ. 792.—स्थायी आदेश संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किए गए भारतीय तार नियम, 1951 के नियम 434 के खण्ड 3 के पैरा (क) के अनुसार डाक-तार महानिदेशक ने मियापुर टेलीफोन केंद्र में दिनांक 16-3-79 से प्रणाली लागू करने का निश्चय किया है।

[संख्या 5-7/79-पी.एच.पी.]

आर. सी. कटारिया, सहायक महानिदेशक (पी.एच.पी.)

New Delhi, the 22nd February, 1979

S.O. 792.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specifies 16-3-79 as the date on which the Measured Rate System will be introduced in Miapur Telephone Exchange, Andhra Pradesh Telecom. Circle.

[No. 5-7/79-PHB]

R. C. KETARIA, Asstt. Director General (PHB.)

### भ्रम मंशलिप

### आदेश

नई दिल्ली, 23 जनवरी, 1979

का. आ. 793.—केंद्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में यूनाइटेड कमर्शियल बैंक, मद्रास के प्रबन्धतन्त्र से सम्बन्धित नियोजकों और उनके कर्मचारियों के बीच एक औद्योगिक विवाद विद्यमान है,

और केंद्रीय सरकार उक्त विवाद को न्यायनिर्णय के लिए निदेशित करना वांछनीय समझती है,

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खंड (घ) के साथ पठित धारा 7क द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार, एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री क. सेल्वारत्नम् होंगे, जिनका मुख्यालय मद्रास में

होगा और उक्त विवाद को उक्त औद्योगिक अधिकरण को न्यायनिर्णय के लिए निदेशित करती है।

### अनुसूची

“क्या यूनाइटेड कमर्शियल बैंक, मद्रास के प्रबन्धतन्त्र को, श्री पी. हरिदास, मशीन आपरेटर को, यह कथन करते कर्मकार ने 16-6-76 से अपना नियोजन स्वेच्छा से छोड़ दिया था, तारीख 21-6-76 से ड्यूटी पुनः प्रारम्भ करने की अनुज्ञा न देने की कार्रवाई न्यायोचित है? यदि नहीं, तो संबंधित कर्मकार किस अनुतोष का हकदार है?”

[सं. एल-12012/78/78-डी. 2 ए.]

एस. के. मुखर्जी, अवर सचिव

### MINISTRY OF LABOUR

### ORDER

New Delhi, the 23rd January, 1979

S.O. 793.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the United Commercial Bank, Madras and their workman in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now therefore, in exercise of the powers conferred by section 7A read with clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri K. Selvaratnam shall be the Presiding Officer, with headquarters at Madras and refers the said dispute for adjudication to the said Tribunal.

### SCHEDULE

“Whether the action of the management of United Commercial Bank, Madras in not allowing Shri P. Haridass, Machine Operator to resume his duties w.e.f. 21-6-76, stating that the workman had voluntarily vacated his employment from 16-6-76 is justified? If not, to what relief is the workman concerned entitled?”

[No. L-12012/78/78-D. II. A.]

New Delhi, the 17th February, 1979

S.O. 794.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bangalore in the industrial dispute between the employers in relation to the management of Vijaya Bank Ltd., Bangalore and Shri K. Balaya Sheregar over his dismissal from service w.e.f. 3-1-1973, which was received by the Central Government on 5-2-79.

### BEFORE THE INDUSTRIAL TRIBUNAL IN KARNATAKA, BANGALORE

Dated the 12th January, 1979

Reference No. 1 of 1976 (Central)

### I PARTY :

K. Balaya Sheregar, peon, S/o Manjunatha Sheregar, near Mailar Mutt, Chikkanasalu Rd., Coondapur, South Kanara.

Vs.

### II PARTY :

The Chairman, Vijaya Bank Limited, No. 2, Residency Road, Bangalore.

## APPEARANCES :

For the I Party : Sri M. Cariappa, Advocate, Bangalore.

For the II Party : Sri K. J. Shetty, Advocate, Bangalore.

## ORDER OF REFERENCE

[No. L. 12012/17/76/DII(A) dated 8th March 1976]

## AWARD

As per Order No. L. 12012/17/76/DII(A), dated 8th March, 1976, issued in exercise of its powers conferred under Section 7-A and clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government has referred the dispute specified in the schedule hereinbelow for adjudication to this Tribunal:—

"Whether the management of the Vijaya Bank Ltd., Bangalore, is justified in dismissing Shri K. Balaya Sheregar, Peon in the Coondapur Branch of the said Bank with effect from the 3rd January, 1973? If not, to what relief is the said workman entitled?"

## 2. The I Party states as follows :—

The I Party—workman—K. Balaya Sheregar—joined the II Party's service on 29-8-1948 as an attender and had been working honestly and faithfully without ever being warned for any kind of lapse or misbehaviour on his part, he was served with a suspension order dated 24-2-1972 containing baseless allegations. There was no complaint against him regarding any kind of misbehaviour. The suspension order was mala fide. Then he was served with another letter dated 29-4-72 asking him to appear before the Enquiry Officer (A. C. Balakrishna Nair) on 24-5-72. He sought for an adjournment by forty days on medical grounds by sending a telegram and a letter enclosing the necessary medical certificate. But he received a telegram on 23-5-72 saying that the adjournment is refused. As he was suffering from enteric fever, he was helpless. Then, he received another letter dated 24-5-72 saying that though he did not deserve any adjournment, the hearing has been adjourned to 5-6-72. As per his letter dated 20-5-72, he had requested the venue for holding the enquiry to be shifted from Bangalore to Coondapur as being a poor man and ill at that time, he was not in a position to bear the expenses, but by its letter dated 24-5-72, the II Party rejected his request. On 4-6-72, he again sent a telegram expressing his inability to attend the enquiry on 5-6-1972 on account of his illness and requesting for adjournment by 40 days. In his letter dated 5-6-72, he enclosed the necessary medical certificate. On 5-6-72, he sent his explanation to the charge-sheet dated 7-3-72 and also requested the II Party to hold the enquiry at Coondapur. He did not hear anything further from the II Party for a long time. Thinking that the Enquiry had been adjourned, he wrote another letter dated 21-8-72 giving further explanation to the charge-sheet. On 2-12-1972, he received another letter dated 23-11-1972 from the II Party asking him to appear on 1-12-1972 in Bangalore in connection with the proposed punishment, under Rule 14 of the Vijaya Bank Employees, (Disciplinary Proceedings) Rules, 1971. Since the letter was received after the date fixed for appearance, he sent a telegram on 4-12-1972 praying for adjournment and also wrote a letter by way of reply to the II Party's letter dated 23-11-72 requesting once again to hold the Enquiry in Coondapur. Then, on 15-12-1972, he received another letter dated 5th December, 1972 from the II Party asking him to appear on 16-12-1972 at 11.00 A.M. at Bangalore. As it was impossible for him to do so, he sent another telegram requesting for adjournment followed by a letter dated 20-12-1972 confirming the sending of the telegram for adjournment and once again requesting for adjournment on Medical grounds as per the enclosed medical certificate. Then he was shocked to receive a letter dated 3-1-73 from the II Party ordering his dismissal from service and without any reference to his explanation and his request for adjournment and to hold the enquiry in Coondapur. By his letter dated 5-2-73, he requested the II Party to provide him with the copies of the Enquiry Officer's report and other records on which the dismissal order was based. The II Party informed him as per his letter dated 10-2-73 to obtain the necessary details from its office at Bangalore. When he approached the II Party as per the letter

to take copies of the records, he was denied access to the records saying that there are no rules to make available the enquiry records. Then he preferred an appeal to the Executive Committee of the Board of Directors. The same was rejected as time barred. Thus the so called enquiry against him has been conducted in utter disregard to the principles of natural justice and in violation of the rules. The Enquiry held against him was an ex-parte enquiry and was a farce. No opportunity was given to him to represent his case. No notice of the enquiry was issued to him. No ex-parte enquiry would have been held in the absence of any notice that an ex-parte enquiry would be held. The Enquiry Officer has not acted with a detached mind and his findings are perverse. No copies of the records etc., relating to investigation conducted were made available. The charge-sheet was vague. His requests for adjournment were refused without giving any valid reasons, even though he had enclosed the Medical Certificate. The Enquiry Officer's report is not based on primary evidence, even though the same was available. His report is based only on surmises and his personal knowledge. The order of dismissal passed against him is unjust and is a clear case of unfair labour practice and victimisation. In spite of repeated requests by the II Party's Officer, he refused to join the management sponsored 'National Organisation of Bank Workers'. The II Party's Officers were also jealous of him for having secured the prizes as per the Chairman's Prize Scheme. The II Party's Chairman did not consider the entire record before passing the dismissal order. He was not heard before passing the dismissal order. His past record of service which was clean was not taken into consideration. He is totally innocent of all the charges. The I Party-workman, therefore, prays that the dismissal order passed against him may be set aside as unjust, illegal and mala fide and that he be directed to be reinstated in service with back wages, continuity of service and other benefits.

## 3. The II Party states as follows :—

It is true that the I Party-workmen joined service as an attender on 20-8-1948. Though at the beginning he was faithful and a good worker, of late he had become unfaithful and abused the confidence reposed in him and started indulging in activities subversive to the II Party's interest. He was dismissed from service with effect from 3-1-1973 after holding an enquiry as per the Vijaya Bank Employees (Disciplinary Proceedings) Rules 1971 for the misconduct falling under Rule 6(a)(b)(d)(m). The II Party further states that the I Party workmen opened a Savings Bank Account No. 2309 on 11-2-1970 in the fictitious name of K. Sadashiva, Merchant, Chickensal Road, Coondapur. The said Account was introduced by him and the cheques drawn by the various fish dealers at Mangalore in favour of various fish merchants at Coondapur were made to purchase by the Branch from the said K. Sadashiva and the proceeds credited to the said account were drawn by issuing self cheque and most of the cash received by the I Party-workman. The I Party workman was thus collecting commission for the cheques purchased at the Branch through the said account of K. Sadashiva. All the cheques alleged to have been drawn by K. Sadashiva are all in the handwriting of the I Party-workman and the signature of K. Sadashiva on all the cheques are also in the handwriting of the I Party. As soon as these illegal activities of the I Party came to the knowledge of their officers, the operation of the Account ceased and the I Party stopped attending to the duties in the Bank by not cooperating with the staff members in the discharge of the duties. Hence the I Party's Account constituted misconduct in Rule 6(a) (b) (d) (m) and he was, therefore, charge-sheeted under the Rules. The enquiry conducted was legal and according to the rules. He was served with the Show cause notice dated 7-3-72 along with the charge sheet and material allegations and was called upon to submit his explanation. But, he did not choose to submit his explanation. Nor did he seek extension of time to submit his explanation. As he failed to appear before the Enquiry Officer on 24-5-1972, in spite of request to do so, the Enquiry was adjourned to 5-6-1972 and the date of adjournment was intimated to him. Even on that date, he failed to appear before the Enquiry Officer and so, the enquiry was proceeded with ex-parte and (1) K. Radhakrishna Inspector of Branches and (2) M. Balakrishna Alva, Manager, Vijaya Bank, Coondapur Branch, were examined on behalf of the II Party. On the basis of the evidence, the Enquiry

Officer found the I Party workman guilty of the misconduct alleged and submitted his report on 29-12-1972 recommending dismissal of the I Party-workman from service. The I Party workman was given a second show cause notice regarding the proposed punishment. But he did not avail of the opportunity. On careful consideration of the Enquiry Report and the records relating thereto, the II Party came to the conclusion that the I Party workman be dismissed from service and accordingly, the dismissal order was issued on 3-1-1973. It is not true that the I Party workman's past record was unblemished. By the II Party's order dated 15-11-1965, after holding an enquiry, he was found guilty of minor misconduct and was warned. The I Party workman's requests for intimation in seeking adjournments of the Enquiry without submitting his explanation more than once, clearly shows that he deliberately wanted to protract the proceedings without intending to participate in the same. More than once, he was afforded the opportunity to appear before the Enquiry Officer and to defend himself. Instead of availing the opportunity and without any reasonable and valid cause, he went on asking for adjournment and thus take advantage of his absence by raising the contention that he was deprived of the opportunity to defend himself. His explanation to the charge was received after the enquiry was completed. Though he was asked to take copies of proceedings from the II Party's Office by letter dated 10-2-1973, he did not avail of the opportunity; it is not correct that he was denied the records. There is no violation of the principles of natural justice. The enquiry officer's findings are not perverse. Charges are valid and intelligible. The charges are proved and the dismissal order is proper and valid. His guilt was fully established beyond doubt during the domestic enquiry which was conducted with all fairness giving all reasonable opportunities to the I Party. The II Party further stated that it has lost confidence in the I Party workman and as such, the I Party workman cannot be reinstated. The Reference may, therefore, be rejected.

3. After the statements of the two parties were filed, the case was posted for framing of Issues and the filing of documents and the lists of witnesses. The II Party filed an application praying that an Additional Issue regarding the propriety and validity of the domestic enquiry may be framed and that the said Issue may also be heard as a preliminary Issue. Both sides were heard and the I Party's Counsel having no objection, the following Additional Issue—

"Whether the Domestic Enquiry held against H. Balaya Sherigar is in accordance with the principles of natural justice and is valid."

was framed on 9-5-1978 and the said Issue was posted for hearing as a Preliminary Issue. Thereafter, the II Party's Counsel filed the original enquiry papers and the I Party's Counsel was given opportunity to go through the same. In the meanwhile, there was some talk about settlement, which, however, failed.

4. When the proceedings were taken upon 17-11-1978, the Counsels appearing for both the sides were heard at some length regarding the Preliminary Issue framed on 9th May, 1978. During the course of his submissions, the II Party's Counsel went through the various enquiry records explaining the charges that were framed against the Opposite Party as to how ultimately an ex-parte enquiry was held against the I Party workmen and the contents of the Enquiry Officer's report. At this stage, the Counsel appearing for the I Party stated that he has nothing to state regarding the domestic enquiry, that he is prepared to argue on the basis of the records available and that, further, the Enquiry Officer's findings are perverse. He also sought for an adjournment to submit further in this respect. When the case was taken up on the next day (18-11-1978) for further hearing, the II Party's Counsel filed a memo requesting for grant of an opportunity to adduce proper evidence to prove that the I Party-workman is guilty of the charges in case, it is held that the enquiry officer's findings are perverse. The I Party's Counsel, who opposed such a request, requested for grant of time to file his objections in writing in the matter. Accordingly, the I Party's Counsel filed his objections on 23-11-1978 and the matter was posted for further hearing on 24-11-1978. Both the Counsels were heard and as regards the preliminary question or Issue as to whether the domestic enquiry was fair and proper, the I Party's Counsel reiterated his submission and stated in unmistakable terms that the domestic enquiry is fair and proper (Vide the order sheet). It may also be

stated that both in its objection statement to the Reference as well as during its Counsel's submissions, the stand taken by the II Party is that whatever may be the circumstances under which the I Party workman failed to appear before the Enquiry Officer to put forward his defence, all opportunity was given to the I Party workman to put forward his defence, that there was nothing further to be done in the matter, that the Enquiry Officer was fully justified in holding the domestic enquiry in the absence of the I Party workman, that the I Party workman deliberately absented himself from appearing before the Enquiry Officer so that he can later on contend that he was denied the reasonable opportunity. Thus, according to the II Party, the Enquiry held was in accordance with the principles of natural justice.

5. In the light of the above submission made by the II Party's Counsel, a finding was entered, as it should be—there being no controversy on the same—that the domestic enquiry held is in accordance with the principles of natural justice and is proper. (vide Order Sheet dated 24-11-1978 which has also been signed by the Counsels for the Parties).

6. Thus, therefore, the Preliminary Issue is answered in the affirmative, that is, in favour of the II Party.

7. On the same day (24-11-1978), both the Counsels were heard further—

as to whether the findings of the Enquiry Officer are prima facie in order/or are perverse, as contended by the I Party;

and also—

as to whether, in case it is held that the findings are perverse, the II Party is entitled to adduce additional evidence as per the request made in the memo filed on 18-11-78.

8. The first question that arises for consideration is as to what is meant by a perverse finding. As observed in *Hamdard Dawakhana Walf-vs-its workmen* (1962 II LLJ 772) (SC), the finding recorded on the domestic enquiry becomes perverse when it is shown that such a finding is not supported by any evidence or is entirely opposed to the whole evidence adduced before it. The test of perversity has been laid down in the subsequent decision of *Central Bank of India-vs-Prakash Chand Jain* (1969 II LLJ 377) (SC) as follows:—

".....The test of perversity.....is that the findings may not be supported by any legal evidence at all....."

".....a finding by a domestic tribunal like an enquiry officer can be held to be perverse in those cases also where the findings arrived at by the domestic tribunal is one at which no reasonable person could have arrived at on the material placed before the Tribunal."

"Thus there are two cases where the findings of a domestic tribunal like the enquiry officer dealing with disciplinary proceedings against a workman can be interfered with and these two are cases in which the findings are not based on legal evidence or are such as no reasonable person could have arrived at on the basis of the material placed before the Tribunal. In each of these cases, the findings are treated as perverse....."

It is in the light of the above principles that the enquiry officer's findings in the present case are required to be examined.

9. In order to appreciate the rival contentions in such respects, it is necessary to say a few words about the two charges that were framed against the I Party and which were the subject-matter of the domestic enquiry. The contents of paras 1 and 2 of the charge-sheet dated 7-3-1972 issued to the I Party may be summarised and stated in short as follows:—

On 11-12-1970, the I Party workman got introduced/opened S. B. Account 2309 in the name of a fictitious person viz., K. Sadashiva, Merchant, Chickensal Road, Coondapur, so that he could operate upon cheques issued by non-residents, viz., fish dealers of Mangalore, in favour of local fish merchants at Coondapur by encashing the same through the II Party's Bank at Coondapur and appropriating commission charges for such discounting of the cheques. In other words,

what is alleged against the I Party-workman is that he used to obtain endorsements of such out-station cheques against spot payment of a far less amount and appropriate the difference to himself. According to the II Party, the I Party workman was able to do so since the local fish merchants wanted immediate cash and were not prepared to wait till the outstation cheques were honoured in due course. In support of such a practice that was adopted by the I Party workman, what is relied upon by the II Party in para 2 of the said show cause notice is the fact that all the cheques alleged to have been issued by K. Sadashiva as well as the signatures of K. Sadashiva are all in the handwriting of the I Party workman. It is also alleged in para 2 of the said charge-sheet that the I Party workman purported to sign the signature of a person, who, according to his knowledge, never existed.

Para 3 of the said charge-sheet states that as per the complaints of the staffs, the I Party workman has not been attending to his duties in the Bank and that he has not been co-operating with the members of the staff in the discharge of their duties.

10. The Enquiry records made available by the II Party contain the evidence of only one witness, viz., K. Radhakrishnan, the II Party's Inspector of Branches, who investigated into the mal-practice committed by the I Party-workman during the course of his visit to the II Party's Branch at Coondapur on 6-2-1972 by questioning certain members of the public and the Branch Manager and on 7-2-1972 by meeting the employers working in the Branch. The evidence of K. Radhakrishnan has been recorded in the question and answer form. However, the enquiry report discloses that another witness, viz., M. Balakrishna Alva, was also examined. The evidence of M. Balakrishna Alva recorded during the domestic enquiry is not found in the Enquiry records and has also not been made available for perusal. However, from the enquiry officer's report, it is possible to infer that M. Balakrishna Alva was for sometime working as the Manager of the II Party's Branch at Coondapur and that he had deposited before the Enquiry Officer that during his tenure as such Manager, he had not seen the Account Holder in question, viz., K. Sadashiva.

11. Before examining the enquiry officer's findings, it must be stated that the II Party's Counsel, in all fairness, has stated that the findings of the Enquiry Officer cannot be sustained on account of insufficiency of evidence. There is absolutely no doubt about this. But the matter does not end there and such a statement on the part of the II Party's Counsel cannot possibly secure any advantage to the II Party if it is found that the enquiry Officer's finding is not supported by any legal evidence or is entirely opposed to the whole body of evidence adduced and the finding is such that no reasonable person could have arrived at on the material.

12. The Enquiry Officer was certainly entitled to rely upon the evidence of K. Radhakrishna. But, K. Radhakrishna's evidence does not indicate or establish anything more than that he had conducted a sort of an investigation on 6-2-72 and 7-2-1972 and that too, in a very cursory manner. It is now necessary to examine the reasons given by the Enquiry Officer in support of his findings of guilt. It must be remembered that the fact that the First Party did not participate in the enquiry does not dispense with the necessity of any reasons being given in support of the finding of guilt. Even if the workman persisted in his absence and has not participated in the enquiry, the duty lies on the Enquiry Officer to examine the evidence placed in a dispassionate manner and without any bias and to support his findings with reasons which are to be found or established during the evidence adduced at the enquiry.

13. The main gravamen of charge No. 1 framed against the I Party workman is that there is no such person as K. Sadashiva, Merchant, residing at Chickensal Road, Coondapur. Dealing with the evidence on record, the Enquiry Officer has first relied upon the circumstance that during his enquiry on 6-2-1972, Radhakrishnan could not find any merchant by name, K. Sadashiva, residing at Chickensal Road, Coondapur. Radhakrishna has not said a word about the exact name of the road to which he went in the course of his enquiry. Radhakrishna had also not disclosed the names of the merchants and the residents of the road which he visited. This omission becomes all the more serious when it is noticed that he has not even mentioned the name of the I Party

workman as one of the persons with whom he had made enquiries. According to the show cause notice which says that the so-called fictitious person, K. Sadashiva, was introduced by the I Party workman, the I Party-workman was the best person to trace K. Sadashiva, and what is more, he was residing on the same road, i.e. Chickensal Road, which is the address of K. Sadashiva.

13-A. What Radhakrishnan has further stated in respect of the enquiry which he made on the road is more interesting. According to Radhakrishnan, those merchants and the residents stated that there is no person of that name (viz., K. Sadashiva) carrying on any business on that road and then, they asked him as to what is the nature of the business of this man (that is, the said K. Sadashiva). If those merchants and the residents had really stated that there was no person K. Sadashiva by name carrying on any business on that road, there was absolutely no need for them to ask further of Radhakrishnan as to what is the nature of the said K. Sadashiva's business.

13-B. Further, in his evidence, Radhakrishnan states that by way of reply, he told the merchants and residents of that road that as per the address furnished by him, the said K. Sadashiva is only a merchant. Radhakrishnan does not say anything more about the replies which he received from those merchants and the residents when he gave the particulars regarding K. Sadashiva's occupation. The foregoing discussion would show that in addition to being perfunctory, the local enquiry made by Radhakrishnan was inconclusive.

14. Then we go to that part of his evidence where Radhakrishnan states that he enquired about K. Sadashiva from the Manager (name significantly not disclosed) of the II Party's Branch at Coondapur and got the immediate reply from the said Manager that—

"K. Sadashiva is out of Station on business and therefore, he is not available."

This part of Radhakrishnan's evidence, which had been relied upon by the Enquiry Officer so strongly, clearly indicates that K. Sadashiva is not a non-existent person and that further, if K. Sadashiva was not at all known to him, the manager in question would not have been in a position to provide the information which he did.

15. The circumstances and the probabilities of the case are also in favour of the view that K. Sadashiva was a living person who had opened the S.B. Account in question, may be, on introduction by the I Party-workman (who, as indicated elsewhere, claims to be none other than the brother of the said K. Sadashiva). It is impossible to believe that the Manager of the II Party's branch at the time the S.B. Account in question was opened so careless and indifferent to his responsibilities that he did not even see any customer who had come to him with a request to open an account in his name. If this Manager, who was present at the time when the S.B. Account was opened, happens to be the same Manager who was questioned by Radhakrishnan during the investigation, then it becomes all the more clear that K. Sadashiva is a living person. This is a clear instance of the Enquiry Officer recording the findings which is not only not supported by any evidence, but is also entirely opposed to the whole body of the evidence adduced before him as well as the natural inference that follow from the established facts. The Enquiry Officer's observations or conclusions based on K. Radhakrishnan's evidence that, on enquiry, Radhakrishnan could not find any merchant by name K. Sadashiva, Chickensal Road, Coondapur, is, therefore, wholly off the record, may, opposed to actual facts.

16. Then, we go to that part of the Enquiry Officer's findings where he has relied upon K. Radhakrishnan's verification of the cheques and paying-in-slips in the name of K. Sadashiva and which are alleged to be in the handwriting of the I Party workman.

17. In regard to this part of the material, in the first place, the cheques and paying-in-slips have not been produced during the domestic enquiry. Thus, the Enquiry Officer's finding becomes not supported by any evidence.

18. K. Radhakrishnan claims that he verified the paying-in-slips attached to the cheques presented at the Bank. The



result of such verification can be stated in the very words of K. Radhakrishnan himself which are as follows :—

"My observation is that the Paying-in-slip was signed or initialled by either Sri K. Balayya Sherigar or by one said to be of Sadashiva."

In the original record of the deposition in the handwriting of the Enquiry Officer, what was written in the first instance as "or by one Sadashiva" has been corrected and amended by striking off the name "Sadashiva" and adding the words, "said to be of Sadashiva". Assuming for the time being that a small slip or error was committed when recording the evidence, the above statement by K. Radhakrishnan does not indicate that the paying-in-slip or paying-in-slips in question were all in the handwriting of the I Party-workman and that there is no doubt in such regards. Radhakrishnan's said statement also indicates the possibility of some of the paying-in-slips having been signed by a person who is other than the I Party-workman and who can only be K. Sadashiva, who is the holder of the S.B. Account in question.

19. All this is apart from the fact that Radhakrishnan does not claim to be a Handwriting Expert. In fact, his statement extracted above, indicates that he does not claim to possess such expert knowledge.

20. Obviously, it was on account of such unsatisfactory evidence given by Radhakrishnan regarding the signatures found on the Paying-in-Slips, etc., that compelled the Enquiry Officer to compare the signature himself. In so doing and as a result thereof, by further observing, without any technical qualifications of an expert in that behalf, that there is similarity in all the signatures, the Enquiry Officer has again gone off the record and based his findings without any evidence in support thereof.

21. The statement of K. Radhakrishnan extracted above indicates that some of the Paying-in-slips are in the handwriting of and contain the signature or initials of K. Sadashiva. In the light of this material, no reasonable person could have arrived at the conclusion that K. Sadashiva was a fictitious person. The Enquiry Officer's observation to the contra is directly opposed to this part of the evidence and amounts to a perverse finding.

22. Then, Radhakrishnan has spoken about the Enquiry in which he met the clerks and officers of the II Party's Branch regarding as to whether at any time they had seen this K. Sadashiva and the answer that was given by the said clerks and officers was that—

"They do not remember to have seen him."

23. The transactions which was the subject-matter of the proceedings relate to the year 1971-72. According to the II Party's case, the S.B. Account was closed abruptly some where in February or March, 1972 when, as a result of Radhakrishnan's investigations, the irregularity that was being committed became known. Assuming that there was no change in the staff of the Bank who were working there at the time the cheques were being discounted and that they continued to work during February, 1972 at the time of Radhakrishnan's investigation, the answer given by them to Radhakrishnan and recorded in the evidence adduced during the enquiry as extracted above, does not indicate that there was no such person as K. Sadashiva. The said clerks and officers never stated before Radhakrishnan that even though they do not remember having seen K. Sadashiva, it was not K. Sadashiva or any other person, but the I Party-workman who was moving about in the Bank premises with the out-station cheques and realising the cash across the counter. It is thus clear that while the Enquiry Officer's finding that the signatures found in the Paying-in-slip is of the I Party-workman is based on no evidence, his findings in that respect are such that no reasonable person could have arrived at such a finding.

24. Finally, the Enquiry Officer does not find that it was the I Party-workman who was actually realising the cash across the counter. Even in the charge-sheet, what is stated is that—

"In majority of the cases, you had received the cash".

Such a statement is not consistent with the charge that a fictitious Account in the name of a non-existing person was opened by the I Party-workman.

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25. For the foregoing reasons, I hold that the Enquiry Officer's finding which is expressed in the following terms—

"It is evident from the evidence of both the witness that the Account in the name of K. Sadashiva was opened and operated by K. Balayya Sherigar".

is perverse finding.

26. As regards the second charge at para 3 of the Show Cause Notice with regard to the staff Members' complaint that the I Party workman, "was not attending to his duties in the Bank and that he has not been co-operating with the Members of the Staff in the discharging of their duties", the less said about the Enquiry Officer's findings that the said charge has also been established is better. Here, again, the Enquiry Officer refers to the evidence of the Manager which is not in the Enquiry proceedings. According to the Enquiry Officer, the Manager's evidence indicated that the I Party workman was indifferent to his duties. Being indifferent to ones duties is not the same thing as not attending to ones duties. In the case of the latter, there is the total absence of discharge of duties. Then, the Enquiry Officer also has taken note of the fact that there is no evidence about any warning, (either about being indifferent or not attending) having been given to the I Party workman. Such a state of affairs destroys any conclusion about guilty for if any workman is indifferent or not attending to his duties, some warning would have been given at some stage or other. But at the same time, the Enquiry Officer observes that there is substance in the allegation of dereliction of duty made against the I Party-workman. On what basis the Enquiry Officer could have found so is not stated. It is, therefore, clear that the finding of guilt regarding the second charge is also perverse.

27. From the foregoing discussion, I hold that the Enquiry Officer's findings are perverse. What then is to be done after such a decision is the subject matter of the II Party's application filed on 18-11-1978 under Section 11-A of the Industrial Disputes Act.

28. The II Party's Counsel has strongly relied upon certain passages in the Ritz Theatre's case extracted in the Cooper Engineering case which seem to support the view that even though the decision is given by the Tribunal that his Enquiry Officer's findings are perverse, the II Party's right to adduce the additional evidence to prove the charges is not taken away. The question that falls for consideration is whether on a close reading of the Ritz Theatre's case, such a line of argument is possible or in other words, whether the Ritz Theatre's case fully substantiates the management's right to adduce additional evidence in support of the charges when, after a finding is given on the preliminary Issue that the domestic enquiry conducted is in accordance with the principles of natural justice, it is further found that the Enquiry Officer's findings are perverse.

29. In the first place, in the Ritz Theatre's case, the Management sought to adduce the additional evidence even before any decision was given on the preliminary Issue as regards the question as to whether the domestic Enquiry was fair and proper. This request of the management was allowed by the Tribunal on the ground that its jurisdiction to deal with the merits of the dispute become wider. Ultimately, the Tribunal came to the conclusion that findings recorded against one of the workmen in the Departmental Enquiry were baseless and that his dismissal was not justified. It was urged by the Management before the Supreme Court that in dealing with the dispute on merits, the Tribunal has exceeded its jurisdiction. The workman contended that since the management, at the very commencement of the trial before the Tribunal, adduced evidence with regard to the merits of the case, it should be held that it had given up its claim to the propriety or validity of the domestic enquiry. It was this contention of the workman, that was described "as rather ingenious" in the Cooper Engineering case, which was rejected by the Supreme Court as per the observations extracted in the Cooper Engineering case.

30. The following observation occurring in the RITZ THEATRE case, (1962 II LLJ 498)—

"...In other words—

Where the Tribunal is dealing with a dispute relating to the dismissal of an industrial employee,

if it is satisfied that no enquiry has been held or that the enquiry which has been held is not proper or fair or that the findings recorded by the Enquiry Officer are perverse, the whole Issue is at large before the Tribunal....."

as well as the further observation in the said decision (which has also been extracted in the Cooper Engineering case—1975 (2) SCC 661) viz.,

".....Logically, it is only where the Tribunal is satisfied that a proper enquiry has not been held or that the enquiry having been held properly, the findings recorded in such an enquiry are perverse, that the Tribunal derives jurisdiction to deal with the merits of the dispute",

which have been strongly relied upon by the II Party's Counsel, have to be understood as having been made in the context of a special case, where, at the commencement of the proceedings, the management adduced additional evidence with the permission of the Tribunal and sought for simultaneous findings on both the questions, viz., as regards the propriety and validity of the domestic enquiry and the nature of the Enquiry findings, i.e., as to whether they are prima facie in order or perverse, the management gets the right to adduce additional evidence.

31. This view becomes clear when it is noticed that in this very same decision, i.e., RITZ THEATRE case, it is observed earlier that :

".....If the enquiry has been properly held, the order of dismissal passed against the employee as a result of such an enquiry can be challenged if it is shown that the conclusions reached at the departmental enquiry were perverse or the impugned dismissal is vindictive or mala fide amounts to an unfair labour practice....."

and again, later on, in the course of the judgment, it is further observed (what is also extracted in the Cooper Engineering case) that :

".....if the finding on that preliminary Issue is in favour of the employer, then, no additional evidence need be cited by the employer; if the finding on the said Issue is against him, permission will have to be given to the employer to cite additional evidence."

It is clear from the foregoing that the RITZ THEATRE'S decision has not clearly sanctioned the employer's right to adduce additional evidence in cases where, after the finding on the preliminary Issue in favour of the employer, it is further found that the Enquiry findings are perverse.

32. Propositions (4) and (6) in the Fire Stone Tyre & Rubber Co. of India Ltd., referred to in Cooper Engineering case, which are also extracted herebelow :—

(4) "Even if no enquiry has been held by an employer or if the enquiry held by him is found to be defective, the Tribunal in order to satisfy itself about the legality and validity of the order, has to give an opportunity to the employer and the employee to adduce evidence before it. It is open to the employer to adduce evidence for the first time justifying his action."

(5) "The Tribunal gets jurisdiction to consider the evidence placed before it for the first time in justification of the action taken only, if no enquiry has been held or after the enquiry conducted by an employer is found to be defective."

also support the view that once it is found that the enquiry findings are perverse, the matter ends there and the disciplinary action becomes liable to be challenged and set aside. No where has it been said in the above two propositions or in the other propositions laid down in the decision that such a right to adduce additional evidence in justification of the action arises also in cases where the domestic enquiry has been found to be in order, or, for reasons best known to the workmen, has not been challenged by him and the management has also not sought for permission to adduce

additional evidence, and this additional evidence the management can adduce before any decision is given on the further question as to whether the findings are prima facie in order or perverse, or after a decision has been given that the enquiry findings are perverse.

32. The observations of the Supreme Court in the Ritz Theatre case extracted in the earlier part of para 31 supra is an echo and is based on the principles laid down as early as in India Iron & Steel Co. Ltd., vs. the workmen (1958 1 LLJ 260) and also followed in McKenzie (G) Co., Ltd., vs. the workmen (1959 1 LLJ 285). The same is the view expressed by the Supreme Court in Hamdard Dava-khana Wakf vs. the workmen (1962 1 LLJ 772). In this decision, the Supreme Court has observed that :

"... If the finding of the Tribunal that the conclusions of the Manager is perverse can be sustained, then of course, there would be no difficulty in upholding the order of reinstatement....."

These observations clearly indicate that the only Issue that follows after such a decision on the perverse nature of the domestic enquiry's findings is whether reinstatement is to be ordered or not and not the adjudication of any supposed right on the part of the management to adduce additional evidence to sustain the charges. It must also be remembered that this decision in Hamdard case was rendered on 15th October 1962, i.e., about 3 months after the Ritz Theatre case was rendered on 27th July, 1962.

33. There is another consideration which also negatives the II Party's right to adduce additional evidence at such a belated stage after it is found that the domestic enquiry findings are perverse. In almost every case, the management is supposed to have adduced its best evidence in support of the charges during the domestic enquiry itself. It is very difficult to conceive of a case where the management would deliberately withheld such evidence during the domestic enquiry with a view to adduce the same during the proceedings under Section 33(2) for such a course of action is likely to invite the criticism that such evidence which is kept by to be adduced during the proceedings under Section 33 is all concocted. When therefore, once it is found that the domestic enquiry findings are perverse either because it is not supported by any evidence or because it is entirely opposed to the whole of evidence adduced during the domestic enquiry, it stands to reason that there is no useful evidence remaining to sustain the charges. On the same evidence which had the effect of rendering the enquiry findings as perverse, a different finding holding that the charges are proved is impossible to be given. Hence, I hold on the point that was further argued by the counsel on 24-11-78 that the Enquiry Officer's findings are perverse and on the 2nd point that was argued on 24-11-1978 as well as the II Party's request made in the memo on 18-11-1978 that the II Party is not entitled to adduce additional evidence in support of the charges.

34. Then remains to be heard and decided the points of dispute that have been treated as issues arising for consideration as per the order dated 9-5-1978. The case is therefore posted for hearing on the same to 20-1-1979.

(Dictated to the Stenographer, transcribed by him and corrected by me).

F. I. F. ALVARES, Presiding Officer,  
Industrial Tribunal, Bangalore.

12-1-1979

Dated 27th January, 1979

#### AWARD ON POINTS OF DISPUTES AS SCHEDULED IN THE ORDER OF REFERENCE

I have heard further arguments addressed by the Counsel appearing for the parties. In the light of the findings on the points set down earlier for consideration, the II Party's Counsel had nothing further to be urged. Whatever submissions he had made at those stages have all been considered hereinbefore. It follows in the light of the said findings that the dismissal of the I Party workman, K. Balayya Sherigar by the II Party's management was not justified.

36. The relief to which the I Party-workman K. Balayya Sherigar becomes entitled to upon such a finding is his reinstatement with back wages from the date of dismissal and other consequential benefits. The same are ordered.

37. An Award is passed accordingly.

F. L. F. ALVARES, Presiding Officer

[No. L-12012/17/76-D. IIA.]

S. K. MUKERJEE, Under Secy.

New Delhi, the 20th February, 1979

**S.O. 795.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Bhubaneswar in the industrial dispute between the employers in relation to the management of Mahulbera Gravel Quarry and their workmen, which was received by the Central Government on the 8th February, 1979.

#### INDUSTRIAL TRIBUNAL, BHUBANESWAR

##### Industrial dispute case No. 7 (Central) of 1977

#### BETWEEN

The employers in relation to the management of Mahulbera Gravel Mine of Shri Nand Dulal Ganguly First-Party

#### AND

Their Workmen

Second-party

#### APPEARANCES :

Shri Nanda Dulal Ganguly—for the management.

None—for the workmen.

#### AWARD

Dated Bhubaneswar, the 3rd February, 1979

In exercise of the powers conferred by Section 7-A and Clause (d) of Sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, the Government of India in the Ministry of Labour have referred the following disputes to this Tribunal for adjudication in their Order No. L-29011/25/76-D.III.B dated 22-6-1977 :

"Whether the demands as mentioned below of the workmen of Mahulbera Gravel Quarry of Shri Nand Dulal Ganguly is justified? If not, to what other relief they are entitled to?"

1. Increase in rates of wages at the rate of Rs. 4.00 per 12½ CFT for mining, carrying and stacking of gravel.
2. Provision of 3 paid National Holidays on 26th January, 15th August and 2nd October.
3. Provision of earned leave with pay at the rate of 1 per day for 20 days work.
4. Payment of bonus at the rate of 20 per cent of wages earned for the years 1971, 1972, 1973, 1974 and 1975.

2. The case of the management as averred in its written-statement, in brief, is as follows :—

The management got the lease for the first time on 22-3-1976 for an area of 2 acres and employs only 15 to 20 workmen. The rates of wages paid by the management compare favourably with the wage rates paid by other employers of comparable status. As per the agreement dated 15-5-1976 arrived at by the management and the work-

men, the wages of the workmen have been reasonably increased and as such, the demand of the workmen for increase in rates of wages as mentioned in the schedule of reference is not justified. Regarding the National Holidays, it is submitted that all the Government directives in this behalf are recommendatory and not mandatory and no other similar employer in the area gives any National Holiday. The workmen also never made any such demand before the management when the agreement dated 15-5-1976 was signed or at any time after that and therefore, there is no justification in this demand. With regard to the provision of earned leave with pay, it is stated that at no time there was any dispute between the management and the workmen so as to form the basis of a valid reference in this regard. With respect to the demand for the bonus, it is submitted that the management was granted the lease for the mining of gravel for the first time on 22-3-1976 and so, the demand for bonus for the years 1971 to 1975 does not merit any consideration. It is further submitted that this reference is not maintainable in as much as there was no valid industrial dispute between the management and its workmen and whatever dispute existed or was apprehended between the management and its workmen was amicably settled by the agreement dated 15-5-1976 arrived at between both the parties.

3. The workmen did not file any written-statement in this case nor did they appear to contest this proceeding. Hence they were set ex-parte.

4. On behalf of the management, Shri Nanda Dulal not entitled to the benefits as claimed by them for which not entitled to the benefits as claimed by them for which this reference has been made. The witness also filed seven documents which were marked as Exts. 1 to 6 on behalf of the management. Ext. 1 is a deed of mining lease for gravel granted to the management with effect from the 22nd March, 1976 for a term of five years. Ext. 2 contains five forms of register of wages-cum-muster roll showing drawal of wages by the workmen per week. Ext. 3 is a letter wrote by the labourers to the management on 17-2-1976 wherein they demanded payment of Rs. 3 per 'petty' to enable them to earn Rs. 4.50 paise per day. They also stated in that letter that they would work for six days in a week and that they should be paid wages for seven days with bonus according to rules. Ext. 4 is a letter submitted by the labourers to the management demanding payment of wages at the rate of Rs. 4.00 per 12½ CFT for mining, for giving pay slip at the time of payment of wages every week and for the benefits of earned leave, casual leave and bonus. Ext. 6 is a copy of the settlement arrived at between the labourers and the management which was forwarded to the Labour Enforcement Officer (Central), Chaibasa as per the letter, Ext. 5.

5. In the settlement, Ext. 6, it was agreed that the management would pay Rs. 1.25 to the labourers per 'petty' and it also shows that the labourers were satisfied after payment at that rate from 15-5-1976. The workmen have not adduced any evidence justifying their demand for increase in the rates of wages at the rate of Rs. 4.00 per 12½ CFT for mining.

6. With respect to the provision of 3 paid National Holidays and earned leave with pay as stated in the reference, no evidence has been adduced on the side of the workmen to justify their demand for the aforesaid benefits.

7. The lease deed, Ext. 1, shows that the management had come into existence only from 22-3-1976 and there is nothing to show as to how the workmen are justified in demanding bonus for the years 1971 to 1975.

8. In the result, I hold that the demands of the workmen of Mahulbera Gravel Quarry of Shri Nand Dulal Ganguly as mentioned in the schedule of the reference are not justified and the workmen are not entitled to any relief.

M. V. GANGARAIU, Presiding Officer

[No. L-29011/25/76-D.III.B]

**S.O. 796.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Madras in the industrial dispute between the employers in relation to Shri Sevi, Contractor of Ponkumar Magnesite Mines, Salem and their workmen, which was received by the Central Government on the 9th February, 1979.

BEFORE THIRU K. SELVARATNAM, B.A., B.L.,

INDUSTRIAL TRIBUNAL, MADRAS

(Constituted by the Central Government)

Industrial dispute No. 55 of 1978

(In the matter of the dispute for adjudication under section 10(1)(d) of the Industrial Disputes Act, 1947 between the workmen and Thiru Sevi, Contractor, Ponkumar Magnesite Mines, Salem-5).

BETWEEN

The workmen represented by

The General Secretary,  
Salem District Magnesite Labour Union,  
237, Tharamangalam Road,  
Suramangalam, Salem-5, (Tamil Nadu)

AND

Thiru Sevi,  
Contractor,  
Ponkumar Magnesite Mines,  
Jaghir Ammapalayam, Salem-5 (Tamil Nadu).

REFERENCE :

Order No. L-29012/16/77-D-III/B, dated 15-9-1978 of the Ministry of Labour, Government of India.

This dispute coming on for hearing this day, upon perusing the reference, claim statement and all other material papers on record and upon hearing of Thiru K. Chandru for Thiruvalargal Row and Reddy and K. Chandru, Advocates for the workmen and the Contractor of his counsel being absent, this Tribunal made the following.

AWARD

Wednesday, the 24th day of January, 1979

This is an industrial dispute referred to this Tribunal for adjudication under section 10(1)(d) of the Industrial Disputes Act, 1947 between Thiru Sevi, Contractor of Ponkumar Magnesite Mines, Salem and his workmen.

(2) The following is the reference :

Whether the action of Shri Sevi, Contractor of Ponkumar Magnesite Mines, Salem is justified in dismissing Sarvashri Mani, Ramaswamy and Venkatachalam with effect from the 7th January, 1977? If not, to what relief are the aggrieved workmen entitled?

(3) A claim statement was filed by the Union, wherein they state as follows: The workmen Thiruvalargal Mani, Ramaswamy and Venkatachalam were employed in the mines by the Contractor. The reasons stated for the dismissal was unauthorised absence, reduced production wantonly and for insubordination. There was no enquiry for the alleged charges. But they were dismissed summarily. The Petitioner—Union wrote a letter demanding reinstatement, but the Contractor was not inclined to take them back. So the Petitioner—Union wrote a letter to the Regional Labour Commissioner on 19-1-1977. On 10-2-1977, notice for discussion was sent by the Assistant Commissioner of Labour and he sent a failure report. Then the Petitioner—Union passed a Resolution and gave a Strike Notice on 2-12-1977 and again on 13-12-1977 Conciliation notices were issued on the same matter. But no response on the above notices and referred the matter to this Tribunal. The dismissal of three workmen was illegal, motivated and for victimising the members of the petitioner—union for their trade union activities. There was no enquiry and no explanation was obtained for them

before dismissal. Hence the dismissal is on contravention of clause 14(4)(a) as well as 14(4)(c) of the Model Standing Orders. The workers are suffering without employment. Hence they may be reinstated with continuity of service with back wages and other attendant benefits.

(4) The Contractor Thiru Sevi has not chosen to file counter in spite of several chances and no representation was made on his behalf. So he was set *ex parte*.

(5) When the matter came up for hearing on 25-1-1979, on the side of the workman, W.W. 1 was examined. He has filed Exs. W-1 to W-8. Those documents will reveal that the Contractor had refused the leave for legitimate causes and they will prove that the Contractor wanted to harass the workmen. W.W. 1's evidence also was that he also engaged in trade union activities and the Contractor objected to them for having joined the Union which agitated for their rights. This dismissal was sequel to their joining the Union. There is no evidence on the side of the Management to rebut both documentary and oral evidence on the side of the workers. Further, if there was in-subordinate on the part of the workmen, it was the duty of the Contractor to hold enquiry giving the opportunity to the workmen to defend them. Conveniently, he had not held any enquiry and dismissed them. Therefore the act of the Contractor in dismissing them summarily is not justified. Therefore my finding on the issue is that there was no justification of the dismissal of the three workmen.

(6) Hence an Award is passed holding that there was no justification on the part of the Contractor in dismissing Thiruvalargal Mani, Ramaswami and Venkatachalam with effect from 7th January, 1977 and they are entitled to be reinstated with back wages from 7-1-1977 and continuity of service.

Dated, this 24th day of January, 1979.

K. SELVARATNAM, Presiding Officer,  
Industrial Tribunal.

WITNESSES EXAMINED

For workmen :

M.W. 1.—Thiru R. Ramaswami.

For Management : Nil.

DOCUMENTS MARKED

For workmen :

Ex. W-1/6-12-76.—Leave letter of Ramaswami to the Contractor Thiru Sevi.

Ex. W-2/6-12-76.—Leave Letter of Mani to the Contractor Thiru Sevi.

Ex. W-3/16-2-76.—Leave letter of Venkatachalam to the Contractor Thiru Sevi.

Ex. W-4/16-12-76.—Leave letter of Ramaswamy to the Contractor Thiru Sevi.

Ex. W-5/8-1-77.—Demand of the Union for the reinstatement of the three workers into service.

Ex. W-6/19-1-77.—Letter from the Union to the Regional Labour Commissioner (C) for conciliation.

Ex. W-7/2-12-77.—Strike notice issued by the Union to the Management in Form L.

Ex. W-8/19-4-77.—Report of the ALC (C) under Sec. 12(4) of the I.D. Act to Government of India

For Management : Nil.

K. SELVARATNAM, Presiding Officer

Note : Parties are directed to take return of their document/s within six months from the date of the Award.

[No.-L-29012/16/77-D. III. B]

**S.O. 797.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Madras in the industrial dispute between the employers in relation to the management of M/s. Burn Standard Co. Ltd., Salem and their workmen, which was received by the Central Government on the 9th February, 1979.

BEFORE THIRU K. SELVARAINAM, B.A., B.L.,

INDUSTRIAL TRIBUNAL, MADRAS

(Constituted by the Central Government)

*Industrial dispute No. 36 of 1978*

(In the matter of the dispute for adjudication under section 10(1)(d) of the Industrial Disputes Act, 1947 between the workmen and the Management of M/s. Burn Standard Company Ltd., Salem.)

BETWEEN

Thirumathi Pavalakodi Ramaswamy, Manguppal New Colony, Saminaickenpatu Post, Omalur Taluk, Salem District (Pin : 636011).

AND

The Area General Manager, M/s. Burn Standard Co. Ltd., Salem-5.

#### REFERENCE :

Order No L-29012/18/77-D.II.B. dated 5-6-1978 of the Ministry of Labour, Government of India.

This dispute coming on for final hearing on Monday, the 22nd day of January, 1979 upon perusing the reference, claim and counter statements and all other material papers on record and upon hearing the arguments of Thirumathargal T.S. Gopalan and P. Ibrahim Kalifulla, Advocates for the Management and the worker appearing in person, and this dispute having stood over till this day for consideration, this Tribunal made the following

#### AWARD

Saturday, the 27th day of January, 1979

This is an Industrial Dispute referred to this Tribunal for adjudication by the Government of India under section 10(1)(d) of the Industrial Disputes Act, 1947 between Thirumathi Pavalakodi Ramaswamy and the Management of M/s. Burn Standard Co. Ltd., Salem-5 in the matter of dismissal.

(2) The following is the reference :

Whether the action of the Management of M/s. Burn Standard Co. Ltd., Salem in terminating service of Thirumathi Pavalakodi Ramaswamy for absence from 13-12-1976 to 23-12-1976 is justified? If not, to what relief she is entitled to?

(3) The worker filed a claim statement forwarded by the Management, wherein she states as follows : She is a poor woman belonging to Scheduled Caste and she has been working for 5 years in the quarry. She is residing at a village 15 miles from the workspot. She has to report for duty at 7 O'Clock. As she was sick she was not able to attend to work from 13-12-1976 to 18-12-1976. As such she applied for leave, but it was refused. The Management gave notice and terminated her services. Several times she made representation to reinstate her and they fixed the date on 20-4-1978 for enquiry. She gave medical certificate when she met the Labour Commissioner and made representation but was of no avail. She is mainly depending upon this job and hence she may be reinstated.

(4) The Management filed a counter, wherein they contend as follows : The Petitioner was employed in the mines and her husband was also working in the Company. The absenteeism among the workmen was very high and the workers

were asked to be regular in their attendance. On a review of attendance record of the Petitioner during the period from November, 1975 to October, 1976 it was found that out of 305 working days, she had worked only for 184 days. She had availed leave for 62 days and absented without leave for 53 days. On 2-11-1976, a charge memo was issued to the Petitioner calling upon her to show cause why disciplinary action should not be taken against her under standing Order 52(ii)(g) of the Certified Standing Orders. She gave an explanation stating that she would not resort to such absence in future. On 6-11-1976, an enquiry was conducted. She admitted her mistake and she wanted one more opportunity to be given to improve her attendance and she was warned for her irregular attendance. Despite the warning given to her on 8-11-1976 for irregular attendance, the Petitioner absented from work between 13-12-1976 and 21-12-1976. The Petitioner did not offer any explanation for her absence during that period. Hence her name was removed from the rolls. The Petitioner ceased to be in service by virtue of her continuous absence for more than seven consecutive days. It is also incorrect to say that the distance between the Petitioner's place of residence and her place of employment is 14 miles. She has not applied for leave between 13-12-1976 and 21-12-1976. The matter was not pursued by the Union, but only by her individual capacity. Hence the Petitioner is not entitled to any relief and hence an Award may be passed rejecting the claims of the Petitioner for reinstatement.

(5) The point that arises for consideration is whether the absence from 13-12-1976 to 23-12-1976 was justified.

(6) Clause 23(xii) of the Certified Standing Orders of the Company provided that "any workman who is absent for more than seven consecutive days without prior permission shall be treated as having voluntarily left the service of the Company of his own accord, with effect from the date when he commence such absence, and his service shall automatically stand terminated." It is not disputed by the worker that she was absent from duty between 13-12-1976 and 21-12-1976 and she would say that she applied for leave but it was not granted. It is denied by the Management. There is no record on file to show that she applied for leave and it was rejected. Her explanation is that she was sick. She could have produced the certificate and made representation before the Management. Her husband is also employed in the same Mines. He would have made arrangement to make representation if her case that she was sick was true. I find it is not a solitary instance and she was habitually absenting from duty. It appears from the Attendance particulars Ex. M-18 that during the period from November, 1975 to October, 1976, out of 305 working days, she had worked only for 184 days and she had availed leave for 62 days and absented without leave for 53 days. Therefore, it is clear that she was habitual absentee and it is also in evidence that she was given warning on prior occasions but it had no effect on her. Therefore it is no wonder the Management thought of conducting an enquiry in the matter. The Management filed documents Exs. M-1 to M-16 which will clearly show that the procedure had been followed by holding an enquiry. Ex. M-11 is the Enquiry Proceedings in respect of charges against her. Ex. M-11 will show that she pleaded guilty and wanted to be excused. Ex. M-12 will show that in spite of the warning, she had absented herself without any prior intimation from 13-12-1976 to 21-12-1976 continuously for 8 days. Thereupon, Ex. M-13 notice was given. Ex. E-14 is her explanation, wherein she states that she had physically handicapped. Ex. R-15 will show that it is not a case of victimisation for as many people as 59 were removed from service for irregular attendance during the period. Therefore it is clear from the records that she was habitually absent without justifiable cause. Such frequent absence by a worker will not be conducive to the efficiency of the industry. I find that the Management was also given several opportunities for improving her attendance. But it was of no avail to her. Therefore, rightly the Management had decided to terminate her services. Therefore, my finding is that habitual absence without leave is not justified and her conduct violated the Standing Orders of the Company. Hence the termination of the services of Thirumathi Pavalakodi Ramaswamy is justified.

(7) Coming to the punishment, she pleaded poverty and it appears from the evidence that she had worked for five years. As such I feel she should be given some compensation for the work rendered by her in the past.

(8) In the result, an Award is passed upholding the termination of the services of Thirumathi Pavalakodi Ramaswamy by the Management and on compassionate grounds, I am ordering payment of wages for 3 months for the services rendered to the Management.

Dated, this 27th day of January, 1979.

K. SELVARATNAM, Presiding Officer.

#### WITNESSES EXAMINED

For both sides : Nil.

#### DOCUMENTS MARKED

For worker : Nil.

For Management :

Ex. M-1—Minutes of joint council meeting held on 18-3-1976.

Ex. M-2—Minutes of the special joint council meeting held on 10-5-1977.

Ex. M-3/26-4-1976—Notice of the Management regarding absenteeism.

Ex. M-1—Minutes of the meeting of the Shop Council of Red Hills held on 30-7-1976.

Ex. M-5—Minutes of the meeting of the Shop Council of Red Hills held on 29-9-1976.

Ex. M-6—Minutes of the meeting of the Shop Council of Red Hills held on 28-1-1977.

Ex. M-7—Minutes of the meeting of the Shop Council of Red Hills held on 29-4-1977.

Ex. M-8/1-11-76—Attendance particulars of the worker.

Ex. M-9/2-11-76—Show cause notice issued to the worker.

Ex. M-10/4-11-76—Reply from worker to Ex. M-9.

Ex. M-11/6-11-76—Enquiry Proceedings.

Ex. M-12/21-12-76—Report against the worker for her absence.

Ex. M-13/23-12-76—Notice of intimation for the automatic termination of the worker.

Ex. M-14/29-12-76—Letter from the worker to the Management about her absence.

Ex. M-15—List of workmen whose services have been terminated for their continuous absence.

Ex. M-16—Statement showing the details of distance covered by the workmen working at Red Hills Mines, where petitioner was employed to attend their duties daily.

Ex. M-17—Statement giving details of absenteeism in the Mines for the years 1975, 1976, 1977 and upto July, 1978.

Ex. M-18—Attendance particulars of the worker.

Ex. M-19—Standing Orders for Mines.

(Sd/-) K. SELVARATNAM, Presiding Officer.

Note : Parties are directed to take return of their document/s within six months from the date of the Award.

[No. L-29012/18/77-D.III.B]

New Delhi, the 21st February, 1979

**S.O. 798.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Govern-

ment Industrial Tribunal-cum-Labour Court No. 2, Bombay in the industrial dispute between the employers in relation to the management of Messrs Chowgule and Company Private Limited, Mormugao Harbour (Goa) and their workmen, which was received by the Central Government on the 6th February, 1979.

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.2, BOMBAY

CAMP : MORMUGAO

Reference No. CGIT-2/15 of 1973

**PARTIES:** Employers in relation to the Management of Messrs Chowgule and Company Private Limited, Mormugao Harbour (Goa)  
AND  
Their Workmen

#### APPEARANCES:

For the Employers : Shri D.P. Sinha,  
Manager,  
Industrial Relations.

For the workmen : Shri Prabhakar Dondé  
General Secretary,  
Chowgule Employees Union.  
Vasco-da-Cama.

Industry : Iron Ore Mines

State : Goa, Daman and Diu.

Mormugao, the 20th January, 1979.

#### AWARD

1. The Government of India in the Ministry of Labour acting under Section 10(1)(d) of the Industrial Disputes Act, 14 of 1947 have referred the following Industrial dispute of this Tribunal for adjudication by their order No. I-29011/36/73-LRIV dated 17-11-1973:—

“Whether the action of the management of Messrs Chowgule and Company Private Limited, Mormugao Harbour (Goa) in retrenching the following workmen from the date shown against each of them is justified? If not, to what relief are they entitled?”

Serial No.	Name	Date of retrenchment
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#### CHECKERS:

1.	Shri A.P. Krishnan	14-7-71
2.	Shri Bhiku Ambhi	14-7-71
3.	Shri Ramray Mehajan	14-7-71
4.	Shri Govind Pednekar	14-7-71
5.	Shri Alvin Lobo	14-7-71
6.	Shri Umakant Pednekar	14-7-71
7.	Shri Murlidhar Joshi	14-7-71
8.	Shri Saimen Fernandes	14-7-71
9.	Shri Shriram Ghodge	14-7-71
10.	Shri Appaya Patil	16-7-71
11.	Shri Govind Desai	14-7-71
12.	Shri Mahadev Naik	14-7-71
13.	Shri Anant Kudnali	14-7-71
14.	Shri Vithal Gholep	14-7-71
15.	Shri Edwin Fernandes	14-7-71
16.	Shri Chandrakant Kumbhan	14-7-71

1	2	3	1	2	3
17.	Shri Hasson Kunji . . . . .	14-7-71	LIGHT TRUCK DRIVERS		
	DRILLERS:		51.	Shri Ramakant Gaonkar . . . . .	11-9-71
18.	Shri Surya Naik . . . . .	14-7-71	52.	Shri Vasu Kolhapurkar . . . . .	11-9-71
19.	Shri Kushali Desai . . . . .	14-7-71	MECHANICS-IV		
20.	Shri Chandrakant Naik . . . . .	14-7-71	53.	Shri Francis Pontis . . . . .	31-7-71
21.	Shri Shivappa Naik . . . . .	14-7-71	54.	Shri Eric D'Souza . . . . .	31-7-71
22.	Shri Saldo Teixeira . . . . .	14-7-71	55.	Shri Domic D'Souza . . . . .	31-7-71
23.	Shri Dattu Desai . . . . .	14-7-71	MECHANIC-HELPER		
24.	Shri Benatao Antao . . . . .	14-7-71	56.	Shri Lulu Kumar (D.W.) . . . . .	15-7-71
25.	Shri Datta Nrabagakar . . . . .	14-7-71	WELDER-HELPER		
26.	Shri K. Ramchandkan . . . . .	14-7-71	57.	Shri Mycle Fernandes . . . . .	14-7-71
	DRILLER-HELPERS		58.	Shri Joaquim Potnis (D.W.) . . . . .	15-7-71
27.	Shri Krishna Kutti (D.W.) . . . . .	15-7-71	PELLET PLANT ASSISTANT OPERATORS		
	D.W.		59.	Shri L.V. Nikharji . . . . .	17-8-71
28.	Shri Pundalik Naik (D.W.) . . . . .	15-7-71	60.	Shri P.B. Kattimani . . . . .	17-8-71
	Daily wages.		61.	Shri D.M. Doble . . . . .	17-8-71
29.	Shri Mithalev Naik (D.W.) . . . . .		PELLET PLANT-ATTENDANTS		
	ROPEWAY-LABOURS		62.	Shri P.K. Majumdar . . . . .	17-8-71
30.	Shri Shrikant Gawaz (D.W.) . . . . .	28-8-71	63.	Shri V.N. Naik . . . . .	17-8-71
31.	Shri Sanjiwayya Putu Swami . . . . .	28-8-71	64.	Shri M.S. Paste . . . . .	17-8-71
32.	Shri M. Ramappa (D.W.) . . . . .	28-8-71	65.	Shri R.D. Desai . . . . .	17-8-71
33.	Shri Shamsudin (D.W.) . . . . .	28-8-71	66.	Shri S.N. Tawarc . . . . .	17-8-71
34.	Shri Waman Parulekar (D.W.) . . . . .	28-8-71	67.	Shri P.V. Dalal . . . . .	17-8-71
35.	Shri Vishnu Kakodkar . . . . .	15-7-71	68.	Shri D.T. Desai . . . . .	31-7-71
36.	Shri Panduran, Gawas . . . . .	15-7-71	69.	Shri D.R. Palte . . . . .	17-8-71
37.	Shri Sadjure Wanchandkar (D.W.) . . . . .	15-7-71	70.	Shri Samuel Chanddi . . . . .	17-8-71
38.	Shri Gopal Parab . (D.W.) . . . . .	15-7-71	71.	Shri M.C. Nendes . . . . .	17-8-71
39.	Shri Govind Murlekar (D.W.) . . . . .	15-7-71	72.	Shri V.K. Rane . . . . .	17-8-71
40.	Shri Sudhakar Dabolkar . . . . .	15-7-71	73.	Shri K.V. Kaloji . . . . .	17-8-71
41.	Shri Gurulingappa . . . . .	15-7-71	74.	Shri Shaik Aslam . . . . .	17-8-71
	BLASTERS		75.	Shri G.V. Wadekar . . . . .	31-7-71
42.	Shri H. Hadaf (D.W.) . . . . .	15-7-71	76.	Shri M.V. Sheikh . . . . .	31-7-71
43.	Shri G.V. Shiroadker . . . . .	15-7-71	77.	Shri P.R. Patil . . . . .	31-7-71
	SAMPIERS		78.	Shri M.K. Tirudkar . . . . .	31-7-71
44.	Shri C.B. Patil . . . . .	14-7-71	79.	Shri R.A. Mangoli . . . . .	31-7-71
45.	Shri P.R. Patil . . . . .	14-7-71	80.	Shri S.D. Bandekar . . . . .	31-7-71
46.	Shri N.V. Kakodkar . . . . .	14-7-71	PELLET PLANT-HELPERS		
47.	Shri B. Pawar . . . . .	31-7-71	81.	Shri N. Shaik . . . . .	31-7-71
	COMPRESSOR-OPERATOR		PELLET PLANT ELECTRICIANS		
48.	Shri Lawares Wilson . . . . .	14-7-71	82.	Shri A.V. Desai . . . . .	17-8-71
	COMPRESSOR-ATTENDENTS		83.	Shri J.K. Jadhav . . . . .	17-8-71
49.	Shri Gokuldas Naik (D.W.) . . . . .	14-7-71	84.	Shri V.D. Swar . . . . .	17-8-71
50.	Shri N. Gaokar . . . . .	15-7-71			

1	2	3
PELLET PLANT ELECTRIC-HELPERS		

85. Sri P.N. Saliyan . . . . .	17-8-71
86. Shri K. Pavitrayan . . . . .	17-8-71

ROPEWAY FITTERS		
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87. Shri Anand Sawant . . . . .	28-8-71
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2. The facts disclosed in the claims statement filed by the General Secretary of the Chowgule Employees' Union (hereinafter referred to as the Union) on behalf of the 87 workmen herein are that the workmen herein and another 37 persons were retrenched by M/s Chowgule & Company Private Limited (hereinafter referred by the Company) from their Pale Mines. The retrenchment is said to have been done on the alleged ground of re-organisation activities at the mines. In para 8 of their claim statement the Union submits that the aforesaid action of the management is mala-fide and illegal for the following reasons :—

- (i) This action is aimed at breaking the Union formed by the workmen.
- (ii) It is in contravention of the provisions of the Industrial Disputes Act.
- (iii) In view of the failure on the part of the management to give due notice to the workmen or their Union of the proposed scheme of rationalisation.
- (iv) There is no justification for retrenchment in view of the large mining activity.
- (v) The management under the grab of rationalisation has increased the work-load of different section of workmen. In some cases the management in the guise of redesignation of posts such as Fitter-cum-Operator was extracting different kinds of work from the same workman.
- (vi) Retrenched workmen are being replaced by casual labour and contract labour.
- (vii) The company failed to exhibit the seniority list of the company establishments. The management instead of following the date of appointment followed the date of regularisation, as criterion for retrenchment. The management retrenched the workmen herein after determining their seniority in a part of their organisation viz. Pale Mines only instead of retrenching the workmen on the basis of their seniority in the entire organisation.
- (viii) The management violated the law by retrenching workmen during the pendency of conciliation proceedings.

They pray that the orders of retrenchment may be set aside and the workmen directed to be reinstated with full back wages and continuity of service.

3. The management in their written statement states that they had to have recourse to retrenchment on account of shrinkage in business. They further submit that the determination of strength of work force is a managerial function and cannot be questioned by the workmen. They say that the retrenchment benefits were paid to all the workmen herein and the same were accepted by them in full satisfaction of their claim without raising any dispute. They also submit that the retrenchment having taken place during the period July and September, 1971 and the management having adjusted the workmen of their mines and the Pelletisation Plant to the new set up any interference by this Tribunal at this stage with the discretion exercised by the management will up-set the smooth working of the mines and the plant. They say that the provisions of law have been strictly followed before retrenching the workmen herein. They say that the retrenchment was necessitated due to some of the mines not yielding sufficient material after long years of mining. The pattern of work started at Company's Pelletisation Plant on an experimental basis had to be changed with the plant attaining stability. This pattern of work rendered some workers surplus. They pray that this reference may be answered against the workmen.

4. On 14-11-1977 Shri Prabhakar Donde, General Secretary of the Union submitted that if management could prove that the provisions of Section 25F had been fully complied with he had no case at all and that the other points raised by him in the statement of claim would not arise. Shri P. K. Dele appearing on behalf of the management offered to give Mr. Donde inspection of the relevant records to satisfy himself that the provisions of law had been strictly complied with before retrenching the workmen herein. On 27-2-1978 Shri Donde filed a Memo stating he was satisfied that in the case of 79 workmen herein retrenchment compensation had been paid by the management as per law. In the case of 8 workmen viz. those at serial No. 8, 15, 23, 24, 46, 50, 52 and 79 no documents are filed evidencing payment of retrenchment compensation. On 11-7-1978 Shri Donde represented that out of the eight aforesaid workmen only workman at Serial No. 24 is properly instructing him and that the other seven workmen are not instructing him. So he reported no instructions for those seven workmen viz. 8, 15, 23, 46, 50, 52 and 79. The parties went on taking time till 16-1-1979 to report settlement. On 16-1-1979 Shri Donde submitted that if the management is agreeable to pay the workmen at Sr. No. 24, 50% of the wages from the date of termination of service till 31-1-1979 besides retrenchment compensation and gratuity less the amount already paid he would be willing to compromise the dispute. On 16-1-1979 Shri Sinha, Manager, Industrial Relations took time till 19-1-1979 to submit to Court whether the proposal suggested by Shri Donde was acceptable to the management. On 19-1-1979 Shri Sinha reported that the proposals of Shri Donde were acceptable to the management. On 20-1-1979 both Shri Sinha and Shri Donde appeared before the Court and filed a joint Memo. in the following terms :—

"As proposed by Shri Donde on 16-1-1979 Shri D. P. Sinha for the management has agreed to pay 50% of wages from the date of termination of service till 31-1-1979 besides retrenchment compensation and gratuity less the amount already paid.

Half wages	Rs. 15,791.13
Retrenchment compensation	Rs. 4,241.50
(Less the amount) already paid —Rs. 888.75	Rs. 3,352.75
Gratuity	Rs. 4,241.50
One month's notice Pay	Rs. 526.20
	Rs. 29,910.48

The amount of arrears of wages is calculated taking into account the various settlements entered into between the management and the Union during the relevant period.

I, Prabhakar Donde accept the above offer of payment in full and final settlement of the claims of the worker. I request the Tribunal to pass the consent award.

Sd/-  
(Prabhakar Donde)  
G. Secretary

Date : 20-1-1979  
Sd/-

(D. P. Sinha)  
20-1-79"

5. The Tribunal considers these terms of settlement as fair and just to the workmen herein.

1. In the result this reference in the case of workmen other than 8, 15, 23, 24, 46, 50, 52 and 79 it is held that the action of the management in retrenching them from the date shown against each of them is justified in view of the concession made before the Court by Shri Donde, General Secretary of the Union.



2. This reference with reference to the seven workmen at Serial Nos. 8, 15, 23, 46, 50, 52 and 79 for whom Shri Donde reported no instructions on 11-7-1978 this reference is answered against them for non-prosecution of their case by the Union.
3. With reference to workman at S. No. 24 Shri Bentaio Antao this reference is answered in terms of the Memo. of settlement filed by the parties on 20-1-1979 entitling him to claim Rs. 29,910.48, a copy of which is attached hereto for being read as part of this Award.

P. RAMAKRISHNA, Presiding Officer

As proposed by Shri Donde on 16-1-1979 Shri D. P. Sinha for the management has agreed to pay 50% of wages from the date of termination of service till 31-1-1979 besides re-trenchment compensation and gratuity less the amount already paid.

Half wages	Rs. 15,791.13
Retrenchment compensation	
Rs. 4,241.50—888 75	Rs. 3,352.75
Gratuity	Rs. 4,241.50
One month's notice pay	Rs. 526.20
	Rs. 29,910.48

The amount of arrears of wages is calculated taking into account the various settlement entered into between the management and the Union during the relevant period.

I, Prabhakar Donde accept the above offer of payment in full and final settlement of the claim of the worker. I request the Tribunal to pass the consent Award.

Yours truly,

Sd/-

(Prabhakar Donde) General Secretary

Dated : 20-1-79.

Sd/-

(D. P. Sinha)

20-1-79.

[No. L-29011/36/73-I.R. IV/D. III(B)]

A. K. ROY, Under Secy.

New Delhi, the 23rd February, 1979

**S.O. 799.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Bhubaneswar in the industrial dispute between the employers in relation to the management of Orissa Mining Corporation Limited and their workmen, which was received by the Central Government on the 5th February, 1979.

**INDUSTRIAL TRIBUNAL, BHUBANESWAR**

**Industrial dispute case No. 4 (Central) of 1978**

Dated Bhubaneswar, the 31st January, 1979

**BETWEEN**

The employers in relation to the management of Orissa Mining Corporation Limited.

—First Party

**AND**

Their Workmen

—Second Party

**APPEARANCES :**

Shri Krupasindhu Sahoo,  
Administrative Officer,  
Orissa Mining Corporation  
Limited

Sri G. K. Mitra,  
Labour Welfare Officer,  
Orissa Mining Corporation  
Limited

Shri R. K. Patra,  
Vice-President,  
Daitari Iron Ore Mines  
Labour Union.

} —For the first-party

—For the second-party

## AWARD

In exercise of the powers conferred by Section 7-A, and Clause (d) of Sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, the Government of India in the Ministry of Labour have referred the following dispute to this Tribunal for adjudication in their Order No. L-26012/3/77. DIII-B dated the 19th September, 1978 :—

"Whether the demand of the workmen of Daitari Iron Ore Mines of M/s. Orissa Mining Limited Bhubaneswar for revision of quantum of field allowance, is justified? If so, to what relief are the aggrieved workmen entitled?"

2. The case of the workmen is that the workmen are required to be posted in the fields and for that purpose that the field has been described and accepted to be places other than the Head Office. The workmen were to be paid field allowance as compensatory allowance at the following rates as per the decision of the Board of Directors of the management in their forty-first meeting :—

Pay range	Field allowance
Upto Rs. 69	Rs. 5
Rs. 70—150	Rs. 10
Rs. 151—300	Rs. 25
Rs. 301—500	Rs. 50
Rs. 501 and above	Rs. 75

3. Due to the rise in the cost of living, the State Government employees got revised salaries and the pay scales of the workmen under the first-party management also were revised. In the revised scales the D.A. and A.D.A. were merged, but there was no decision with respect to the field allowance because the pay range and the quantum of field allowance were already fixed in the earlier meeting. Instead of fitting the revised pay to the appropriate rates of field allowance, the management arbitrarily fixed the field allowance in a different manner which has been stated in the written-statement. There is no rationality or any reason for this arbitrary fixation and so, an industrial dispute has been raised.

4. The management has filed a written statement in which the field allowance which was being paid to all the monthly categories of employees have been stated. The management decided to pay the field allowance to the workers at the camps mentioned in the written-statement, of which Daitari was one of the places. The Corporation has introduced facilities like free accommodation, free electricity, free medical treatment, subsidised rice, free educational facilities for the children of the workers, free water supply and free cinema shows. Since these amenities have been provided, there was no necessity of paying the field allowance as claimed by the workers. Daitari is now connected with the rest of the State with wide roads and there is a regular bus service. Besides that, there are telephone connections and the project has wireless sets, both receiver and transmitters. The management should have discontinued the payment of field allowance, but as a gesture of good will the management is still continuing to pay the workers the field allowance. As a result of the revision of the field allowance with effect from 1-1-1974, few categories of employees who were in receipt of Rs. 10 per month as field allowance were to get Rs. 5 per month. As per the demand of the union, the management is willing to remove the anomalies with retrospective effect. So the demand of the workmen for increased field allowance is not justified and should be rejected.

5. The following issues can be framed :—

(1) Whether the demand of the workmen of Daitari Iron Ore Mines of M/s. Orissa Mining Corporation Limited, Bhubaneswar, for revision of quantum of field allowance is justified?

(2) If so, to what relief they are entitled?

6. Issue No. 1.—Whether the demand of the workmen of Daitari Iron Ore Mines of M/s. Orissa Mining Corporation Limited, Bhubaneswar, for revision of quantum of field allowance, is justified?

On behalf of the workmen, two witnesses were examined and on behalf of the management, one witness was examined. The W.W. 1 was appointed on 24-9-1974 and his basic pay was Rs. 320 to Rs. 500 as per the appointment order, Ext. 1. He was being given the field allowance of Rs. 50 per month from the month of October, 1974 to March, 1975. From April, 1975, he was being given the field allowance at the rate of Rs. 25 per month, and he was not served with any written orders by the management when the field allowance was reduced. The field allowance which was earlier given to him at the rate of Rs. 50 per month for six months, was recovered from him without any written order and it was done arbitrarily. In his cross-examination he had stated that as they were working in the field, they were being paid field allowance. He further says that he is not aware of any decision that the field allowance should be paid only to the persons working in the prospecting fields and of the decision made on the 5th September, 1961 that the field allowance should be paid only to the workers in a field where there is a population of 3000 and where ordinary basic amenities are lacking. He admits that he has been given a pucca house with asbestos roof without any rent and free electricity and free medical aid. He further admits that subsidised rice was being sold at Rs. 0.50 paise per kilogram, but he has no idea if education is free. Further he says that filtered water is being given at times.

7. W.W. 2 was appointed as per Ext. 2 as a Pharmacist on a basic pay of Rs. 320 on 12-11-1974. He was being paid Rs. 50 as field allowance from 16-11-1974 to March, 1975. From April, 1975, without any notice, the field allowance was reduced to Rs. 25 and the field allowance already paid was recovered at the rate of Rs. 20 per month. No condition of appointment and allowances were intimated to him by the interview committee. In his cross-examination he states that the Mining Corporation pays at a higher scale than the Government to a Pharmacist and the higher scale came into force from 1976. There is no mention of payment of field allowance in his appointment order.

8. The witness for the management states that in the year 1957, there was a decision by the Board of Directors that field allowance should be paid only to the Geologists, Surveyors and Drivers working in the field. It was further decided that it should be paid to the employees working in the field and residing in places with less than 3000 population. From 1-4-1967, a uniform policy was adopted for payment of field allowance to the employees working in the field, viz., Upto Rs. 60 at the rate of Rs. 5, from Rs. 70—150 at the rate of Rs. 10 from Rs. 151—300 at the rate of Rs. 25, from Rs. 301—500 at the rate of Rs. 50 and from Rs. 501 and above at the rate of Rs. 75 which is still paid and it is not linked with the price index. There are better amenities provided in the Daitari Mines. According to him, in 1974, an order was misinterpreted by the management at Daitari and the field allowance was paid to some workers at the rate of Rs. 50 instead of Rs. 25 which was recovered after clarification. In his cross-examination he says that when he was working in the camp, he was also being paid field allowance at the rate of Rs. 50 and when there is a basic lack of amenities in the field, the field allowance is being paid. But there is no such express term in the conditions of appointment and it was being paid as per the existing policy of the Board of Directors. Upto a pay of Rs. 69 the field allowance is Rs. 5 and if one reaches a pay of Rs. 70 the field allowance automatically becomes Rs. 10.

9. It was submitted at the time of arguments on behalf of the management that as better amenities have been provided to the workers and as there was mistake in the interpretation of the order, the field allowance was reduced and the workers cannot claim an increased field allowance. Ext. A is the extract of the agenda of the fifth meeting of the Board of Directors of the Orissa Mining Corporation held on 12th February, 1957. It is stated in that document that as the workers have to stay in the camps and carry out surveying and prospecting operations with a little raising of ore at the time of the rainy seasons and as it would be expensive to shift their camps to other places and arrange accommodation for them, it is expedient to grant them field allowance for

the whole year. The field allowance is to be given as per the rates stated as follows :—

Geologists	F.E.A. of	—	Rs. 75 per month
Surveyors	"	—	Rs. 25 " "
Drivers, Camp			
Clerks	"	—	Rs. 10 " "
Peons, Chowkidars,			
Watchman, Messengers,			
Work Sircars and			
Mates	"	—	Rs. 5 " "

There appears to be overwriting of the order of the fifth meeting of the Board of Directors. The witness for the management does not explain it. The 28th meeting of the Board of Directors shows that the Chairman suggested that field establishment allowance should be called field allowance only and the Board decided that this allowance should be given to the employees working in the field and residing at places with less than 3000 population whether rail-head or not which lack the basic amenities of life. It has been marked as Ext. C. Ext. D shows the rates of the field allowance to be paid from 1st April, 1967 as follows :—

Upto Rs. 69	...	Rs. 5
From Rs. 70—150	...	Rs. 10
From Rs. 151—300	...	Rs. 25
From Rs. 301—500	...	Rs. 50
From Rs. 501 and above	...	Rs. 75

It is dated 17th August, 1967. Ext. E is the memorandum for the 144th meeting of the Board of Directors to be held on 29th March, 1975. In that proposal, a revision of the field allowance has been suggested as follows :

Pay range		Rates
Upto Rs. 249	...	Rs. 5 per month
Rs. 250—300	...	Rs. 10 " "
Rs. 301—500	...	Rs. 25 " "
Rs. 501—700	...	Rs. 50 " "
Rs. 701 and above	...	Rs. 75 " "

There is an endorsement written in ink that it was approved and it is not known who had written it. The result of that meeting which must have been reduced to writing has not been filed by the management.

10. On behalf of the workmen, it was submitted that Ext. 3 (wrongly stated as Ext. 1 in the arguments), the letter of appointment of one P. K. Mohanty, shows that the scale of pay of the Surveyor was Rs. 125—185 for the year 1960 wherein there is also a provision to grant field establishment allowance at the rate of Rs. 25 when the incumbent will be deputed to camps. Ext. 4 is a specimen appointment letter of the said P. K. Mohanty in which it is also stated that he will get a field allowance of Rs. 25 per month when he will be deputed to camps. Similar other appointment letters had been filed by the workers which have been marked as Exts. 5 to 11 on behalf of the workers. Ext. 1 is the appointment letter of W.W. 1 and Ext. 2 is the appointment letter of W.W. 2. It has been submitted that these documents have not been disputed by the management and that the witness for the management admitted in the cross-examination that as per the terms of appointment, the field allowance was being paid as a result of the approval of the Board of Directors because the workers had to do arduous work. It is submitted that increase in the basic amenities has nothing to do with the field allowance because the appointment letter will show that the field allowance was being paid for the nature of work done during the period of their incumbency in the camps or in the fields. In my opinion, the contention on behalf of the workers is quite reasonable, and once the management had agreed to pay the field allowance at a particular rate and it

was being paid at that rate, it was not open for the management to arbitrarily reduce the rate to the disadvantage of the workers without any notice. The management does not produce the document so as to show that there was misinterpretation of an earlier order and as such, field allowance was paid at a particular rate wrongly.

11. Ext. 10 is the pay fixation order whereby the pay of P. K. Mohanty was revised. It was submitted that when the pay was first revised, the field allowance was automatically revised as per the revised pay which has been admitted by the witness for the management who says that upto Rs. 69 at the rate of Rs. 5, from Rs. 70—150 at the rate of Rs. 10, from Rs. 151—300 at the rate of Rs. 25, from Rs. 301—500 at the rate of Rs. 50 and from 501 and above at the rate of Rs. 75 was to be paid as field allowance. So it was submitted that when the pay of the workmen was not Rs. 69, the field allowance was Rs. 5 per month and the revised pay scale fixed the pay at Rs. 80 per month and accordingly, the field allowance paid was Rs. 10 per month. The aforesaid practice was being consistently followed and the rate of field allowance automatically increased. So it was submitted that the reduction of the field allowance is not proper. I fully agree with the submissions made on behalf of the workers. So the contention of the workmen that the fitment of field allowance should be made has to be accepted. The management arbitrarily reduced the field allowance without any cause.

12. It was further submitted that the management did not service the workmen with a notice under Section 9-A of the Industrial Disputes Act, 1947 before revising the field allowance. Section 9-A lays down that without notice to the workmen likely to be affected, the management should not change the conditions of service with respect to any matters specified in the Fourth Schedule of the Act. In the Fourth Schedule in Clause 3, compensatory and other allowances have been mentioned. In my opinion, the other allowance cover the field allowance, and as no notice was given to the workmen, the management cannot change the field allowance arbitrarily. Hence I feel that this issue should be answered in favour of the workmen.

13. Issue No. 2 : If so, to what relief they are entitled ?

As claimed by the workmen in their written-statement, the revised rates of field allowance should be as follows:—

Pay range	Field allowance
Upto Rs. 249	Rs. 25
Rs. 250—300	Rs. 25
Rs. 301—500	Rs. 50
Rs. 501 and above	Rs. 75

The workmen are entitled to the revised rates of field allowance from 1st January, 1974. This issue is answered accordingly.

14. The award is passed accordingly.

M. V. GANGARAJU, Presiding Officer  
[No. L-26012/3/77-D. III (B)]  
A. K. ROY, Under Secy.

नई दिल्ली, 20 फरवरी, 1979

कां०आ० 800.—केन्द्रीय सरकार, औद्योगिक नियोजन (स्थायी प्रावेश) अधिनियम, 1946 (1946 का 20) की धारा 2 के खण्ड (क) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम मन्त्रालय की अधिसूचना सं० कां०आ० 1643, तारीख 7 मई, 1964 को अधिकांश करने हुए, इससे उपाबद्ध अनुसूची के स्तम्भ 1 में विनिर्दिष्ट अधिकारियों को, उक्त अनुसूची के स्तम्भ 2 में तत्स्थानी प्रविष्टियों में विनिर्दिष्ट क्षेत्रों में स्थित केन्द्रीय सरकार या रेल प्रणाली या महानगरीय, खान या तेल-क्षेत्र के नियन्त्रण के अधीन औद्योगिक स्थापनों के बारे में, उक्त अधिनियम के अधीन प्रेषित प्राधिकारी के कृत्यों का प्रयोग करने के लिए नियुक्त करने हैं।

### अनुसूची

अधिकारी (1)	क्षेत्र (2)
1. मुख्य श्रम आयुक्त (केन्द्रीय)	आन्ध्र प्रदेश, गुजरात, कर्नाटक, केरल, मध्य प्रदेश, महाराष्ट्र, राजस्थान और तमिल नाडु के राज्य तथा प्रदमन और निकोबार द्वीप समूह, दादरा और नगर हवेली, गोवा, वमन और दाव, लक्षद्वीप और पांडिचेरी मध्य राज्य क्षेत्र।
2. मुख्य मुख्य श्रम आयुक्त (केन्द्रीय)	आसाम, बिहार, हरियाणा, हिमाचल प्रदेश, जम्मू, कश्मीर, मणिपुर, मेघालय, तामिलनाडु, उत्तराखण्ड, पंजाब, त्रिपुरा, उत्तर प्रदेश और पश्चिम बंगाल के राज्य तथा अरुणाचल प्रदेश, चण्डीगढ़, दिल्ली और मिजोरम संघ राज्यक्षेत्र।

[सं० एम-12012/3/78/डी आई (ए)]

एन० के० नारायणन्, डेस्क अधिकारी

New Delhi, the 20th February, 1979

**S.O. 800.**—In exercise of the powers conferred by clause (a) of section 2 of the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946) and in supersession of the notification of the Government of India in the Ministry of Labour No. S.O. 1643, dated the 7th May, 1964, the Central Government hereby appoints the officers specified in column 1 of the Schedule annexed hereto to exercise the functions of an appellate authority under the said Act, in respect of industrial establishments under the control of the Central Government or a Railway administration or a major port, mine or oil field situated within the territories specified in the corresponding entries in column 2 of the said Schedule.

### SCHEDULE

Officers 1	Territories 2
1. Chief Labour Commissioner (Central)	The States of Andhra Pradesh, Gujarat, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Rajasthan and Tamil Nadu and the Union territories of the Andaman and Nicobar Islands, Dadra and Nagar Haveli, Goa, Daman and Diu, Lakshadweep and Pondicherry.
2. Joint Chief Labour Commissioner (Central)	The States of Assam, Bihar, Haryana, Himachal Pradesh, Jammu and Kashmir, Manipur, Meghalaya, Nagaland, Orissa, Punjab, Tripura, Uttar Pradesh and West Bengal and the Union Territory of Arunachal Pradesh, Chandigarh, Delhi and Mizoram.

[No. S. 12012/3/78/DI(A)]

L. K. Narayanan, Desk Officer

का. आ. 801.—यसः, केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स ट्रंस मीडियरीनअन् एयर्स, नया कमानि चेंबर्स, पहला फ्लोर 32, निकोल रोड, ब्लाड स्टेट, मुम्बई-38, नामक स्थापन से सम्बन्धित नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम,

1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है ।

यह अधिसूचना 31 दिसम्बर, 1977 को प्रवृत्त हुई समझी जाएगी ।  
[सं. एस. 35018(4)/78-पी. एफ. 11]

**S.O. 801.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Trans Mediterranean Airways, New Kamani Chambers, 1st Floor, 32, Nicol Road, Ballard Estate, Bombay-38, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty first day of December, 1977.

[No. S. 35018(4)/79-PF. II]

**का. आ. 802.**—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स सोलैडस इन्वेस्टमेंट्स (प्राइवेट) लिमिटेड, 11, बैंक स्ट्रीट, तीसरा फ्लोर, मुम्बई-1, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है ।

यह अधिसूचना 30 नवम्बर, 1976 को प्रवृत्त हुई समझी जाएगी ।  
[सं. एस. 35018(7)/78-पी. एफ. 2]

**S.O. 802.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Solidus Investments (Private) Limited, 11, Bank Street, 3rd Floor, Bombay-1, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment ;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirtieth day of November, 1976.

[No. S. 35018 (7)/79-P.F. II]

**का. आ. 803.**—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स होटल डेलामार, सुन्दर महल, 141 मरीन ड्राइव्स, मुम्बई-20, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है ।

यह अधिसूचना 30 नवम्बर, 1977 को प्रवृत्त हुई समझी जाएगी ।  
[सं. एस. 35018(6)/79-पी. एफ. 2]

**S.O. 803.**—Whereas it appears to the Central Government that the employer and the majority of the employees in re-

lation to the establishment known as Messrs Hotel Delamar, Sunder Mahal, 141 Marine Drives, Bombay-20, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment ;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirtieth day of November, 1977.

[No. S. 35018(6)/79-P.F. II]

**का. आ. 804.**—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स चिमनलाल पेपर कम्पनी (प्राइवेट) लिमिटेड, माजीथिया चैम्बर्स, 276, डा. डी. एन. रोड, मुम्बई-1 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है ।

यह अधिसूचना 1 मार्च, 1977 को प्रवृत्त हुई समझी जाएगी ।

[सं. एस. 35018(5)/78-पी. एफ. 2]

**S.O. 804.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Chimanlal Paper Company (Private) Limited, Majithia Chambers, 276, Dr. D. N. Road, Bombay-1, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment.

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of March, 1977.

[No. S. 35018(5)/79-P.F. II]

**का. आ. 805.**—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स त्रिडेंट मेटल प्रोफाइल्स (प्राइवेट) लिमिटेड, 8, भगवान मैनसन, सिनमा रोड, मुम्बई-20, जिसके अन्तर्गत ई-3 एम आई डी सी इण्डस्ट्रियल एरिया, चिकहलथाना, औरंगाबाद, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है ।

यह अधिसूचना 31 अक्टूबर, 1977 को प्रवृत्त हुई समझी जाएगी ।  
[सं. एस. 35018(3)/79-पी. एफ. 2]

**S.O. 805.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Trident Metal Profiles (Private) Limited, 8, Bhagwan Mansion, Cinema Road Bombay-20 including its Factory at E-3 MIDC Industrial Area, Chikhalthana, Aurangabad, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment ;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty first day of October, 1977.

[No. S. 35018(3)/79-P.F. II]

का. आ. 806.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स बेरार टिम्बर इण्डस्ट्रीज (प्राइवेट) लिमिटेड, 9, वॉलस स्ट्रीट, फोर्ट, मुम्बई-1, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए।

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 30 जून, 1977 को प्रवृत्त हुई समझी जाएगी।

[सं. एस. 35018 (2)/78-पी. एफ. 2 (1)]

S.O. 806.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Berar Timber Industries (Private) Limited, 9, Wallace Street, Fort, Bombay-1, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirtieth day of June, 1977.

[No. S. 35018 (2)/79-P. F. II (i)]

का. आ. 807.—केन्द्रीय सरकार, कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, संबन्ध विषय में आवश्यक जांच करने के पश्चात् 30 जून, 1977 से मैसर्स बेरार टिम्बर इण्डस्ट्रीज (प्राइवेट) लिमिटेड, 9, वॉलस स्ट्रीट, फोर्ट, मुम्बई-1, नामक स्थापन को उक्त परन्तुक के प्रयोजनों के लिए विनिर्दिष्ट करती है।

[सं. एस. 35018(2)/79-पी. एफ. 2(2)]

S.O. 807.—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies with effect from the thirtieth day of June, 1977 the establishment known as Messrs. Berar Timber Industries (Private) Limited, 9, Wallace Street, Fort, Bombay-1, for the purposes of the said proviso.

[No. S. 35018 (2)/79-P.F. II (ii)]

का. आ. 808.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स किरण एक्स-रे स्क्रीन (प्राइवेट) लिमिटेड, 59, दलामल चैम्बर, 29, सर वी. ठकरसे रोड न्यू मॉरिन लाइन्स, मुम्बई-20, जिसके अन्तर्गत डी-117, टी. टी. सी. इण्डस्ट्रियल एरिया, थाना जिला, स्थित उसका कारखाना भी है, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए।

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 जुलाई, 1977 को प्रवृत्त हुई समझी जाएगी।

[सं. एस. 35018 (9)/79-पी. एफ. 2 (1)]

S.O. 808.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Kiran X-Ray Screens (Private) Limited, 59, Dalamal Chamber, 29 Sir V. Thakersey Road, New Marine Lines, Bombay-20 including its Factory at D/117 TTC Industrial Area, Thana District, have agreed that the provisions of the Employees Provident Funds and Miscellaneous provision Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of July, 1977.

[No. S. 35018 (9)/79-P.F. II (i)]

का. आ. 809.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स यू.डी. पटेल एण्ड कम्पनी, विकास, 11 बैंक स्ट्रीट, फोर्ट, मुम्बई-23, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए।

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 जून, 1976 को प्रवृत्त हुई समझी जाएगी।

[सं. एस. 35018(8)/78-पी.एफ. 2]

S.O. 809.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs U.D. Patel and Company, Vikas, 11 Bank Street, Fort, Bombay-23, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of June, 1976.

[No. S. 35018(8)/79-PF. II]

का. आ. 810.—केन्द्रीय सरकार, कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, संबन्ध विषय में आवश्यक जांच करने के पश्चात् 1 जुलाई, 1977 से मैसर्स किरण एक्स-रे स्क्रीन (प्राइवेट) लिमिटेड, 59, दलामल चैम्बर, 29, सर वी. ठकरसे रोड, न्यू मॉरिन लाइन्स, मुम्बई-20, जिसके अन्तर्गत डी/117, टी.टी.सी. इण्डस्ट्रियल एरिया, थाना जिला, स्थित उसका कारखाना भी है, नामक स्थापन को उक्त परन्तुक के प्रयोजनों के लिए विनिर्दिष्ट करती है।

[सं. एस. 35018(9)/79-पी.एफ. 2(2)]

**S.O. 810.**—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies with effect from the first day of July, 1977 the establishment known as Messrs Kiran X-Ray Screens (Private) Limited, 59, Dalamal Chamber, 29 Sir V. Thakersey Road, New Marine Lines, Bombay-20 including its Factory at D/117, TIC Industrial Area, Thana District, for the purposes of the said proviso.

[No. S. 35018(9)/79-PF. II(ii)]

**का. आ. 811.**—यतः केंद्रीय सरकार को यह प्रतीत होता है कि मैसर्स मंगवायल स्टेट, वलपेट्टा डाकघर कोट्टापट्टी ग्राम वीक्षण वाइनाद तालुक कोझीकोड जिला, जिसके अन्तर्गत नाल्लानूर रिलो एस्टेट मण्डली, वीक्षण वाइनाद स्थित उसकी शाखा भी है, नामक स्थापन से सम्बन्धित नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 30 नवम्बर, 1978 को प्रवृत्त हुई समझी जाएगी।

[सं. एस. 35019(274)/78-पी.एफ. 2]

**S.O. 811.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Mangavayal Estate, Kappettah Post Office Kottapaddi Village South Wynad Taluk Kozhikode District including its branch at Nallanur Relon Estate, Meppadi, South Wynad, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirtieth day of November, 1978.

[No. S. 35019(274)/78-PF. II]

**का. आ. 812.**—यतः केंद्रीय सरकार को यह प्रतीत होता है कि मैसर्स रिलो एस्टेट, कालपेट्टा डाकघर वीक्षण वाइनाद तालुक, कोझीकोड जिला नामक स्थापन से संबंधित नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 30 नवम्बर, 1978 को प्रवृत्त हुई समझी जाएगी।

[सं. एस. 35019(275)/78-पी.एफ. 2]

**S.O. 812.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Relon Estate, Kalpetta Post Office South Waynad Taluk, Kozhikode District have agreed that the provisions of the Employees'

Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirtieth day of November, 1978.

[No. S. 35019(275)/78-PF. II]

**का. आ. 813.**—यतः केंद्रीय सरकार को यह प्रतीत होता है कि मैसर्स बजरंगबली हार्ड कोक इण्डस्ट्रीज, तोतूलिया, डाकघर निसोकबत्ती, जिला धनबाद, नामक स्थापन से सम्बन्धित नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं. एस. 35019 (14)/78-पी.एफ. 2(1)]

**S.O. 813.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Bajrangbali Hard Coke Industries, Totulia, Post Office Nirsobatti, District Dhanbad, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35019(14)/79-PF. II(i)]

**का. आ. 814.**—केंद्रीय सरकार, कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, संबंधित विषय में आवश्यक जांच करने के पश्चात् अधिसूचना की तारीख से मैसर्स बजरंगबली हार्ड कोक इण्डस्ट्रीज, तोतूलिया, डाकघर निसोकबत्ती, जिला धनबाद, नामक स्थापन को उक्त परन्तुक के प्रयोजनों के लिए विनियमित करती है।

[सं. एस. 35019(14)/79-पी.एफ. 2(2)]

**S.O. 814.**—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies with effect from the date of notification the establishment known as Messrs Bajrangbali Hard Coke Industries, Totulia, Post Office Nirsobatti, District Dhanbad, for the purposes of the said proviso.

[No. S. 35019(14)/79-PF. II(ii)]

**का. आ. 815.**—यतः केंद्रीय सरकार को यह प्रतीत होता है कि मैसर्स अमर चन्व जैन एण्ड सन्स, धान महल्ला, अड्डा हाथियापुर, जलंधर शहर, नामक स्थापन से सम्बन्धित नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 दिसम्बर, 1978 को प्रवृत्त हुई समझी जाएगी।

[सं. एस. 35019(12)/79-पी.एफ. 2]

**S.O. 815.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Amar Chand Jain and Sons, Dhan Mohalla, Adda Hoshiarpur, Jullundur City have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment.

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of December, 1978.

[No. S. 35019(12)/79-PF. II]

**का. आ. 816.**—यतः केंद्रीय सरकार को यह प्रतीत होता है कि मैसर्स विजय टॉकies, काकीनाडा-1, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 दिसम्बर, 1978 को प्रवृत्त हुई समझी जाएगी।

[सं. एस. 35019(16)/79 पी-एफ-2]

**S.O. 816.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Vijay Talkies, Kakinada-1, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment ;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of December, 1978.

[No. S. 35019(16)/79-PF. II]

**का. आ. 817.**—यतः केंद्रीय सरकार को यह प्रतीत होता है कि मैसर्स अग्रवाल बेकरी मुरारपुर, गया, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 जनवरी, 1979 को प्रवृत्त हुई समझी जाएगी।

[सं. एस. 35019(15)/79 पी.एफ. 2]

**S.O. 817.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Agrawal Bakery, Murarpur, Gaya, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment ;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of January, 1979.

[No. S. 35019(15)/79-PF. II]

**का. आ. 818.**—यतः केंद्रीय सरकार को यह प्रतीत होता है कि मैसर्स सीमा राम सोप वर्क्स, सी. पी. ड्रोलिया रोड, देवघर, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 30 मई, 1978 को प्रवृत्त हुई समझी जाएगी।

[सं. एस. 35019(9)/79-पी. एफ. 2]

हंस राज छाबड़ा, उप सचिव

**S.O. 818.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Sita Ram Soap Works, C.P. Drolia Road, Deoghar, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment ;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirtieth day of May, 1978

[No. S. 35019(9)/79-PF. II]

HANS RAJ CHHABRA, Dy. Secy.

New Delhi, the 21st February, 1979

**S.O. 819.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Bombay in the industrial dispute between the employers in relation to the management of Messrs Freight Carriers Private Limited, Bombay and their workmen which was received by the Central Government on 19th February, 1979.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL

TRIBUNAL NO. 2, BOMBAY.

Reference No. CGIT-2/8 of 1976

PARTIES :

Employers in relation to the management of Messrs Freight Carriers Private Limited, Bombay.

AND

Their workmen.

1. Shri R. S. Soney
2. Shri M. R. Parab
3. Shri K. S. Shetty
4. Shri Narayan Mallap
5. Shri A. Chowdhury
6. Shri Jagannath M. Rskshe.

## APPEARANCES :

For the Employers :

1. Shri P. P. Khambatta,
  2. Shri D. O. Sanghvi,
- Advocates.

For the Workmen :

1. Shri M. P. More,
  2. Shri B. N. Amin,
- Advocates.

Industry : Ports and Docks

State : Maharashtra

Bombay, the 7th February, 1979

## AWARD

1. The Government of India in the Ministry of Labour acting under Section 10(1)(d) of the Industrial Disputes Act 14 of 1947 have referred the following industrial dispute for adjudication to this Tribunal as per their order No. I-31012(2)/76-D. IV(A) dated 26-2-1976 :—

"Whether the action of the management of Messrs Freight Carriers Private Limited, Bombay-23 in retrenching from service Sarvashri R. S. Raney, M. R. Parab, K. S. Shetty, Narayan Mallap, A. Chowdhury, and Jagannath M. Rakshe, their employees, with effect from 14th April, 1975 is justified? If not, to what relief are the workmen entitled?"

2. Messrs Freight Carriers Private Limited (hereinafter referred to as the 'Employer Company' or 'company') has filed their preliminary Written statement on 25-3-1976 before the workmen had filed their claim statement reserving their right to file a further statement after going through the workmen's statement of claim. They submit that they carry on three distinct and separate activities under three separate departments viz., Travel Agency, Air Cargo Agency and Clearing and Forwarding Agency. Their Air Travel department consisting of Travel Agency and the Air Cargo Department is located at their registered office 43, Tamarind Lane, Fort, Bombay. The Clearing and Forwarding department that is dealing with Clearing and Forwarding Agency is at the relevant time located at Raja Bahadur Mansion, Appollo Street, Bombay and before that at Botawalla Building, Hornimen Circle, Bombay. Though the work handled by the three departments of the company is distinct and separate the company prepares one consolidated balance sheet. However for internal administrative purposes separate accounts are prepared to assess the profitability of each department. The present dispute relates to the retrenchment of six personnel belonging to the clearing and forwarding department. They say that for over three years continuously, the business of the clearing and forwarding department was steadily shrinking and in fact they were incurring losses in this department. Therefore out of 12 persons working in this department six workmen herein have been retrenched in the categories of Outdoor Clerk-cum-Typist, Dock Clerk, Cooly and Sepoy. The procedure prescribed by Rule 77 of the Industrial Disputes (Central) Rules 1957 was strictly complied with by displaying a notice dated 26-3-1975 on the notice Board a seniority list of workmen in various categories in this department. The workmen or their Union did not raise any objection to this seniority list exhibited. In accordance with Section 25F of the Act the company issued separate notices to the workmen herein informing them that their services with the company would stand terminated with effect from 14-4-1975. The reason in writing for this retrenchment was communicated to each of the employees along with the retrenchment notices. The management further submits that the six workmen retrenched are the junior-most in their respective categories which is in accordance with the principle of 'last come, first go'. The six workmen herein have been retrenched after paying the required compensation as provided under Section 25F of the Act. The workmen received the said compensation in full settlement of their dues. The receipts passed by each of the workmen are enclosed. Retrenchment compensation was paid to all the workmen except Rakshe on 11-4-1975. Rakshe received

the amount on 17-4-1975. The notices required to be sent under Section 25F(c) of the Act have been sent to the several authorities mentioned therein. They submit that the retrenchment effected by them is just, proper, legal and bonafide and is in accordance with the provisions of law.

3. Shri K. S. Shetty, one of the retrenched workmen filed statement of claim for himself and on behalf of the other five workmen retrenched. They stated that in or about 1973 the employees of the company joined the Transport and Dock Workers' Union and through that Union agitated for the grant of wages as recommended by the Central Wage Board for Port and Dock Workers. The workmen concerned in this dispute took active interest in their trade union activities. They characterise the impugned retrenchment order as being malafide, improper, unjust and illegal. They submit that the import business of this company was registering a fall on account of the policy pursued by the Government, while the export business was steadily increasing. Therefore they contend that it is not correct to allege that the work in the Clearing and Forwarding department as a whole has shrunk. They also dispute the claim of the company that the workmen in question are the junior-most in their respective categories. They say that the different departments are not kept as water-tight compartments, but formed an integral part of the establishment. The employees of one department are liable to be transferred to answer. He also says that the workmen in one department were asked to look after the business in the other departments. It is further averred that the members of the staff were not given definite designations as mentioned in the seniority list now relied upon. It is further complained that the seniority list was not circulated among the several workmen and that it is not correctly prepared. According to them the real reason for the retrenchment of the workmen herein is their trade union activity. They repudiate the charge that the company was incurring losses. According to them the company paid bonus to their workmen in May, 1975. They say that they did not know that the amounts paid on 11-4-1975 and 17-4-1975 represented the retrenchment compensation. Even assuming that the said amounts were paid towards retrenchment compensation they did not represent the correct amount due. They state that much more than what is paid to them is still due. They pray for a declaration that the impugned order of retrenchment is unjustified and illegal and pray for reinstatement in service with the benefit of continuity of service and full back wages.

4. The management filed additional written statement on 8-6-1976 questioning the right of one workman to file the claim statement on behalf of the other five retrenched workmen. They also submit that the appropriate Government in the case of Travel Agency and Air Cargo is the State Government and in the case of Clearing and Forwarding department the Central Government. Therefore they submit that the number of workmen employed in the Travel Agency and Air Cargo Department is irrelevant for the purpose of the present dispute. They deny the allegation that on account of trade union activities the workmen herein have been retrenched. The workmen through the Transport and Dock Workers' Union or otherwise agitated in 1973 for grant of wages as recommended by the Central Wage Board for Port and Dock Workers. They say that the award of Shri Zambre in Reference No. CGIT-13 of 1967 does not bind them because the Union in its affidavit dated 22-1-1968 had admitted before the said Tribunal that the company's employees were not its members. The employees of this company also filed affidavits before the Tribunal to the same effect. They admit the receipt of two letters from the Union one dated 31-1-1975 and the other dated 19-2-1975 urging them to pay wages as per the Award of Shri Zambre. The company in its letter dated 3-3-1975 informed the Union that they were not bound by the Award passed by Shri Zambre in Reference No. CGIT-13 of 1967. The Union addressed a further letter to the management on 18-3-1975 informing them that if the terms of the award were not implemented by this company they would have to ask the workmen to resort to direct action. In reply to this letter the management addressed another letter dated 22-3-1975 informing the Union that they could not afford to any wages as per the award of Shri Zambre as their Customs Clearing and Forwarding department was continuously suffering losses for the past three years. They also reiterated their stand that they are not bound by the Zambre Award or the agreement dated 10-9-1969 referred to by the Union. They once



again reiterate that they have followed the rules strictly before retrenching the workmen herein. They further submit that over-all profitability of the company as reflected by the consolidated balance sheet is not the criterion for effecting retrenchment but the profitability of each department. They deny the averment by the workmen that the export trade during the relevant period registered a steep rise. They assert that the three departments referred to by them are separate and distinct departments and that the employees of the Clearing and Forwarding department were never transferred to another department except in the case of one Shri Kale who was transferred to Air Cargo department on 22-3-1975. They say that no transfer from Air Cargo or Travel Agency department to Clearing and Forwarding department was possible. They say that they reliably understand that the workmen S/shri Parab, Rane, Mallap and Chowdhury are gainfully employed elsewhere. The workman Shri Shetty is reported to be engaged in the business of L.I.C. agency and printing and stationery business. The workman Shri Rakshe is looking after his agricultural property. Therefore they submit that these workmen are not entitled to the relief of reinstatement.

5. The points that arise for consideration are :—

- (i) Whether the retrenchment of the six workmen herein is legal and justified ?
- (ii) If not whether the workmen are entitled to reinstatement with full back wages ?
- (iii) Whether the workmen S/shri M. R. Parab, Narayan Mallap and A. Chowdhury are entitled to any relief ?
- (iv) Whether the workman Shri K. S. Shetty is competent to file a statement of claim on behalf of the other workmen ?
- (v) To what relief ?

Point 4 :

6. On behalf of the retrenched workmen herein WW-2 Shri K. S. Shetty filed a statement of claim. The learned counsel for the management submitted that WW-2 is not competent to file a claim statement on behalf of the other five workmen. For the workmen reliance is placed on Ex. W-4 purporting to be a letter of authority executed by the other five workmen in favour of WW-2 authorising him to plead and act on their behalf. This authority Ex. W-4 bearing the date 12-4-1976 is not filed along with the statement of claim dated 15-4-1976; nor has it been filed along with the rejoinder filed on behalf of the workmen on 2-8-1976. Nor was any reference made to it in these two statements. It was filed for the first time before the Court along with a Memo. dated 29-4-1977. It is argued on behalf of the management that this Ex. W-4 is brought into existence just before the recording of evidence in this case. The evidence was begun to be recorded on 4-10-1977. In para. 17 of that statement Shri Shetty, WW-2, declared that he was signing the statement of claim for himself and for and on behalf of the other workmen concerned in this reference. There was no mention whatsoever of his having been authorised by the other workmen to file a statement of claim. The management in their further written statement dated 3-6-1976 contended that Shri Shetty is not entitled to file a statement of claim or any documents or pleadings or represent anything on behalf of the other workmen herein except for himself. In the rejoinder at least some reference to Ex. W-4 should have been made which is conspicuous by its absence. During the course of his cross-examination WW-2 asserted that Ex. W-4 was available at the time he signed the statement of claim. He does not give any explanation as to why he did not file the same before the Court along with the claim statement or refer to it in the course of that statement except saying that he had handed it over to his advocate. He could not say if Ex. W-4 was filed in the Court long after the rejoinder was filed. Therefore the criticism that Ex. W-4 must have been brought into existence long after the filing of rejoinder cannot be said to be baseless.

7. The next point that is advanced by Shri Khambatta for the management is that since the claim statement purports to have been filed by WW-2 for himself and on behalf of four workmen only (Narayan Mallap not included) this reference so far as Narayan Mallap is concerned should be 1217 GI/78 -6.

answered against him for non-prosecution. It is true that in the cause title of the statement of claim the name of Narayan Mallap does not appear; nor does it appear in para. 1 of the said statement. Only in para. 13 of the claim statement and in the prayer portion is the name of Narayan Mallap mentioned. Shri More for the workmen submits that since the dispute referred to this Tribunal covers the case of all the six workmen, Narayan Mallap cannot be ignored simply because the claim statement does not ex facie show that it is filed on his behalf also. Similarly Shri More says that even if Ex. W-4 is held to be not a genuine document and that the workman Shri Shetty has no authority to plead on behalf of the other five workmen, since the Government has referred the dispute of all the six workmen to this Tribunal for adjudication the case of all of them has to be considered. It is unnecessary to discuss this point further as Shri Khambatta submits that he would not press for a disposal of this case on this short point without reference to the merits of the case, I agree.

8. I hold on point 4 that the workman WW-2 Shri Shetty is not competent to sign the statement of claim on behalf of the other retrenched workmen as he is not duly authorised to do so. But this reference so far as the other five workmen are concerned, cannot be disposed of on the short point.

Point 1 :

9. The six workmen herein have been retrenched from service of the company with effect from 14-4-1975. Ex. F-1 consists of the retrenchment notices together with the enclosures issued to each of the six workmen herein. Each notice is accompanied by an annexure giving the reason for the retrenchment. The said annexure reads as follows :—

"Since the Import and Export business has considerably shrunk, there has been considerable reduction of work in the Clearing and Forwarding Department of the Company. Moreover, the Company has also been incurring losses for over three years. Six workmen including yourself have become surplus to the requirement of the company".

The retrenchment notices were served on all the workmen except WW-3 (J. Rakshe) on 11-4-1975 itself. Except Jaganath M. Rakshe, WW-3 all the others were paid on 11-4-1975 their retrenchment compensation in full as per the provisions of Section 25F. Shri Rakshe collected the said amount on 17-4-1975, the reasons for the delay being his absence from the station. The correctness of the amount paid by way of retrenchment compensation is not disputed, before the Court though a plea to this effect is taken in the claim statement. It is also beyond dispute that the seniority list Ex. W-1 was displayed on the notice board at the Head Office in Tamarind Lane and also at Raja Bahadur Mansion on 26-3-1975. Only Shri Shetty, WW-2 says that this notice was not displayed at all and he came to know of it on the date he received the order of retrenchment. The other workmen Shri Rane (WW-1) and Rakshe (WW-3) admit that the said notice Ex. W-1 was displayed on the notice Board at Raja Bahadur Mansion on 26-3-1975.

10. The other ground urged by the workmen is that the motive of the management in retrenching the workmen herein is to victimise them for their trade union activities. There is no force in this contention. The case of the workmen herein is that they and the other members of the Clearing and Forwarding department were members of the Transport and Dock Workers Union from 1973 till the date of their retrenchment in April, 1975. On 31-1-1975 the Secretary of the Union addressed a letter to the management pointing out their failure to implement the terms of the agreement dated 10-9-1969 entered into between the Union and the Bombay Customs House Clearing Agents' Association, Bombay of which the management herein was a member. The Union complained that while almost all the Clearing and Forwarding Agents had implemented the terms of the said Agreement and begun to give the benefits of enhanced basic wages, D. A, etc. this management alone failed to honour that agreement. They requested the company to implement the terms of the said agreement without further delay, failing which the Union would have no other option but to take legal as well as direct action against the company to redress their grievances. When the management failed to reply to this letter the Union addressed another letter dated

19-2-1975 reminding them of the necessary to implement the agreement dated 10-3-1969 without any delay. To that letter the management replied on 3-3-1975 stating that the terms of the agreement dated 10-9-1969 were not binding on them because they were not bound by the Award of Shri Zambre given in Reference No. CGIT-13 of 1967. Their contention is that their workmen were never members of the Union and the said fact was admitted by the Union in their affidavit filed in reference No. CGIT-13 of 1967. The employees of this company also filed affidavits to that effect. For these reasons the management informed the Union that there could be no dispute in regard to the alleged non-implementation of the agreement dated 10-9-1969. The Union pursued the matter further by their letter dated 18-3-1975 wherein they stated that the fact that the Union had admitted before the Central Govt. Industrial Tribunal in reference No. CGIT-13 of 1969 that none of the employees of this company were members of the Union did not mean that the employees of this company were for ever barred from claiming the benefits of that agreement. They also say that the employees had every right to join the Union subsequent to the date of the Award and pray for enhanced wages in terms of the agreement dated 10-9-1969. The management addressed a letter dated 22-3-1975 stating that the demand of the Union for implementation of the terms of agreement dated 10-9-1969 was misconceived and devoid of any substance. He also says that for the past three years their clearing and forwarding department was suffering losses and for that reason they are not in a position to pay higher wages to their staff working in the clearing and forwarding department. The evidence of EW-1 Shri Fernandes, the Accountant of the company is to the effect that somewhere in February, 1975 the decision to retrench the staff was taken by the Board of Directors. He does not have any document to evidence this decision. The decision to retrench the staff in the Clearing and Forwarding department was taken on the basis of the figures available upto 31-1-1975 submitted to the Board of Directors. Some time in March, 1975 FW-1 says he was asked to prepare the seniority list Ex. W-1 in respect of the staff working in the Clearing and Forwarding department alone. He would have submitted Ex. W-1 to the management on 24-3-1975. On 22-3-1975 Shri Kale who was till then in the Clearing and Forwarding department was transferred to the Air Cargo department. On 26-3-1975 the Seniority list Ex. W-1 was posted on the notice Board of their office at Raja Bahadur Mansion where the clearing and forwarding department was situated. A copy of Ex. W-1 was pasted on the notice board in the main office at Tamarind lane. Because the decision to retrench the staff was taken on 24-3-1975, that is within six days from the last notice issued by the Union it is strenuously argued that the object in retrenching the six workmen herein could only be to victimise them for their trade Union activities. Shri Khambatta for the management submits that mere membership of the Union without anything more does not establish the case of victimisation. He further submits that all the members working in the Clearing and Forwarding department being members of the Union it cannot be said without anything more that the management retrenched the six workmen herein alone with the oblique motive of victimising them for their trade Union activities. WW-1 to WW-3 do not say why they should be singled out from out of the 16 members in the Clearing department though all of them were members of the same trade Union. The learned counsel for the workmen concedes that there is no evidence to show that the management had any special grievance or cause or complaint against these six workmen herein. In the circumstances the complaint of victimisation cannot be upheld.

11. The next ground of attack against the order of retrenchment is that the management is not justified in resorting to retrenchment on the ground that the Clearing and Forwarding department was registering a loss for three years viz 1972 to 1975. Even assuming that the losses pleaded by the management are true still the balance sheets clearly show that the over-all financial position of this company was very bright. It is argued that the clearing and forwarding department does not constitute a separate unit but forms an integral part of the several business activities carried on by this company. Attention is invited to the balance sheet for the year 1972-73 which shows that the income from the travelling agency and Air Cargo department rose by nearly Rs. 3,000 over the preceding year. The income from Air Cargo and Travelling agency is shown under the head

Commission. The balance sheet for the year 1973-74 Ex. 36 shows that income from the other two activities rose by Rs. 17,000. In Ex. E-33 the balance sheet for the year 1974-75 the income from the other two departments Air Cargo and Travel agency registered a rise of nearly Rs. 90,000. It is argued on behalf of the company that the 3 lines of business activity viz. Air Travel Agency, Air Cargo and Clearing and Forwarding Sections were consistently treated as different departments and not as a single unit. In support of this the company has filed balance sheets for the year 1970-71 to 1974-75, which are Exs. 33 to Ex. 37. In each of these balancesheets the income from the Clearing and Forwarding departments is shown separately from the income from the other two departments, though the expenditure for these three departments is not separately shown. The workmen engaged in the Clearing and Forwarding Department were having separate muster during the period in question i.e. April, 1962 till the date of retrenchment in April, 1975. (This covers the period of service of the workmen in question). Throughout the period 1962 to 1975 the clearing and Forwarding department was admittedly situated at a place different from the main office though within close proximity from the head office which is in Tamarind lane. At the beginning this clearing and forwarding department was located in Janmabhoomi Chambers and thereafter at Botawala building and thereafter till the date of retrenchment it was at Raja Bahadur Mansion. WW-1 and WW-3 say that a separate muster was always kept at the office of the Clearing and Forwarding department and it was being signed by them at that office WW-2 says that though the Muster for Clearing and Forwarding department was separately maintained, the register was being kept at the Head Office. In view of the admission of WW-1 and WW-3 this evidence of WW-2 cannot be relied upon. It is also admitted that the workmen from Clearing and Forwarding department were never transferred to the other departments or vice-versa except in the case of Shri Kale Customs Clerk who was transferred from Clearing and Forwarding Department to the Air Cargo Department on 22-3-1975. WW-1 admits that he was recruited as Dock Clerk in the Clearing and Forwarding Department and that he continued to remain in the same department till the date of his retrenchment. Similarly WW-3 who is shown as Mazdoor worked in the Clearing and Forwarding Department alone and not in the other departments. The statement made by the Accountant EW-1 to the effect that from the beginning accounts of the three departments were being separately maintained is not challenged. On behalf of the workmen a Memo. was filed on 2-8-1976 calling upon the management to produce about 21 documents, including books of account of this company for the years 1970 to 1975 (items 5 is that memo.) The management filed a counter to this objecting among others to the production of the books of account. The parties were heard on the question of production of documents as required in the Memo. The learned Advocate for the workmen did not press for the production of these books (vide order dated 1-4-1977). Thus the claim of the management that these 3 departments were treated separately and the accounts pertaining to these departments were always kept separately is not successfully challenged. It is true though the accounts are kept separately for these three departments on the expenditure side of the balance sheet the amount spent on all these three departments is not separately shown. As already stated the income from the Air Cargo and Travel Agency is shown together under the head 'Commission' while the income from the Clearing and Forwarding department is shown separately. The salaries register is common for these three department. But, for each workman a separate page is opened and his acquaintance taken thereon. Supervision of these three departments appears to be common and also the head office. Accounts section is common, though the accounts of each department are claimed to be maintained separately. On the above material it is to be seen whether the Clearing and Forwarding department can be considered to be a separate department in the eye of law. Shri More for the workmen relied upon the decision reported in 1979 Lab A.I.C. page 1(S.C.) to show that the plea of the management that Clearing and Forwarding department is separate is not tenable. The facts of that case are different from the facts of the case on hand. The decision reported in 1961, 1, I.L.J. page 42\*\* is nearer the point. There also the Employer firm was running business in four lines viz. Clearing and Shipping, Godown, Insurance and Cotton Supervision and Control. They retrenched some Clerks and Peons from their clearing and shipping and Godown departments, after following the principles of last come first go from the respective departments. The

facts were that each of the four departments was under the charge of a partner of the concern who normally would have under him the Head of the department. The partner incharge of the department selects and appoints his own personnel without consulting any other department or the head of office. Each partner looks after his own department. Accounts are kept separately but they are ultimately amalgamated inter-alia for the purpose of income-tax payable by the concern and for the general purposes of the partnership. The members of the staff from one department were not transferable to the other. Their lordships of the Bombay High Court held in the following words that these four sections were separate department and that the action of the management in retrenching the workmen from the clearing and Shipping and Godown Departments on the basis of their seniority in those two departments alone was proper :

"In the present case we have found that the four departments are distinct and complete units carrying on different lines of business and there is no functional integrality existing between them. The management and control of each department is separate and independent so far as its working and business is concerned. Each department employees its own staff according to its requirements : the employees belong solely and exclusively to that department and are not transferable as a rule. The seniority of the employees is also departmentwise. There is thus no unity of employment and conditions of service between the four departments. These, in our opinion, are the main and important tests in the present case and these tests are against the respondents."

\*M/s. Tuleidan Khimiji vs. Jeecebhoy (F)

Manoharlal vs. Union of India and others.

12. The facts of the present case are also somewhat similar to the facts of the reported case except to the extent that the management of these three departments is done by the head office and not by a partner or director acting independently as in the case reported. The recruitment of the staff is also by the Head Office in the present case, according to the requirements of each department. Except in the case of Shri Kale Customs Clerk, there is no transfer from the Clearing and Forwarding Department to other departments, or vice-versa. The claim of the management that the accounts for the three departments are kept separately is not successfully rebutted. On these facts the contention of the management that these departments are separate units has to be accepted.

13. Shri More for the workmen contends that though there is no transfer from one department to another the workmen in the Clearing and Forwarding department are being asked to attend to the work pertaining to the other departments. For that reason he submits the case in question is distinguishable from the facts of the reported case. For this purpose reference is made to the evidence of WW-1 Shri Rene. In Ex. W-1 the seniority list is shown as Import Dock Clerk. In his evidence WW-1 stated that besides attending to the Dock work he would also go to the Air Port to clear un-attended baggage of the passengers coming by Air from abroad. In this connection he meets the passenger concerned and takes full details from him regarding his personal effects, fills the forms, gets them examined by the Customs at Air Port and clears it. In his cross-examination he admits that as he did not have the customs pass he could not go to the baggage section in the Air Port. He claims that for about 30 times in a year on an average he would have filled up the unaccompanied baggage forms. It was suggested to him in his cross-examination that on an average he might have been sent to the Air Port to Clear the unattended luggage on 2 or 3 occasions only in a year and not more. Since the main work of this WW-1 was confined to the Docks and his work at the Air Port was only occasional it cannot be said that there is any interchangeability of service, that is to say, a member of the staff in one department being called upon to look after the work in the other department. Similarly WW-2 who was recruited as typist-cum-clerk claims that he was doing godown keeper's work, dock work etc. WW-2 also has no customs

pass. The evidence of WW-2 does not show that he was entrusted with the work connected with any department other than the Clearing and Forwarding department, during the period of his service in this company. The witness WW-3 Shri Rakesh does not say that he worked in departments other than the Clearing and Forwarding Department though he says he worked as an Assistant Godown Keeper in the said department. Therefore the contention of Shri More that there was interchangeability of functions cutting across the departments cannot be accepted.

14. It follows that the retrenchment of the staff in the Clearing and Forwarding Department is justified, if the management proves that the business in that Section was suffering loss for a continuous period of three years 1972-75. Reference may be had to the balance-sheet for the years 1973, 1974 and 1975 and the statement Ex. E-32 filed on behalf of the management giving the salaries paid to the Clearing and Forwarding department staff from 1-4-1974 to 31-3-1975. It may be taken that the salaries remained the same in the two previous years also. This figure comes to Rs. 74,356.00 and it may not take in the leave salary and bonus. The income from the Clearing and Forwarding Department for the years 1972-73, 1973-74 and 1974-75 was Rs. 96,573.37p., Rs. 1,11,787.21p. and Rs. 54,654.55 respectively. The income from the Clearing and Forwarding Department during the year 1972-73 was Rs. 96,573.97p. as compared to Rs. 1,10,134.88p. in the year 1973. In the year 1974 it registered a rise of 14 to 15 thousand over the previous years. In the year 1974-75 there was a steep fall in the income. Reference may also be had to the statement Ex. E-3 (Original is at Ex. E-34) the statement of Export Consignments handled and Import consignments cleared during the financial years 1973-1974 and 1974-75. This statement shows that the export consignments which stood at 426 in the year 1973-74 fell to 197 in the succeeding year. Similarly the import consignment cleared in the year 1973-74 were 258 while in 1974-75 it came down to 171. The correctness of this statement is not challenged though the Import and Export registers for the relevant period are filed before the Court. Therefore the claim of the management that the income from the Clearing and Forwarding department has registered a steep fall in 1974-75 justifying retrenchment appears to be correct.

15. Shri More for the workmen contends that since the loss complained of by the management is negligible, there can be no warrant for effecting retrenchment. It is for the management to decide whether the loss is so small that it can be ignored. This Court cannot interfere with the discretion exercised by them.

16. The next question that has to be considered is whether the retrenchment is done following the principle of last come first go, in this particular department. It is argued that the designation Import Dock Clerk was given to Shri Rane (WW-1) and the designation Export Dock Clerk to Shri N. R. Parab just before the date of retrenchment for the purpose of weeding them out. It is not disputed that in the muster roll, no designation are given to the members of the staff. It is said that WW-1 gave these designation for the first time in the seniority list Ex. W-1 prepared by him on 24-3-1975. Even assuming that this criticism is well-founded and that they were both dock clerks still the fact remains that in this department M/s. Rane and Parab were the junior most among the dock clerks. Then it is argued that Shri Kale recruited on 1-1-1974 was transferred from the Clearing Department to the Air Cargo Department for the first time on 22-3-1974 in order to justify the retrenchment of M/s. Rane and Parab. It is submitted that Shri Kale though he was working in the Clearing and Forwarding Department till 22-3-1975 was recruited as Customs Clerk and therefore he does not stand on the same footing as the other Dock Clerks. WW-3 admits that Shri Kale was a customs clerk and not a dock clerk. So while considering the seniority of clerks in the Clearing and Forwarding Department Shri Kale's name cannot be taken into account. So far as WW-2 is concerned his case is that though his initial posting was a Typist-cum-Clerk by the date of retrenchment he was holding a supervisory post and not a typist's post. This claim of his has not been properly established. In his cross-examination he admitted that though he was working in a supervisory capacity his pay remained the same. This improbabilises the claim that he was holding a post higher than a typist. May be he discharged the

functions of a Godown Keeper for short spells during the years 1969 August to 1971 October. But he was not the only person doing that work. Shri Manohar Shanbhag was also looking after that work. If WW-2 was really assigned the work of a Godown Keeper, it is unlikely he would have kept quiet without lodging a protest when Shri Tawde was appointed as Godown Keeper on a regular basis in October, 1971. I hold that WW-2 was only a typist-cum-Clerk in the Clearing and Forwarding Department. It is said that Miss Mescarenhas who entered the service of this company on 17-10-1970 should have been retrenched in place of WW-2. The company submits that Miss Mescarenhas was a Stenographer and not an ordinary typist as WW-2. Her personal file is produced before Court. From the order of appointment kept in that file I am satisfied that she was appointed as a Stenographer. WW-2 does not know shorthand. Therefore she falls in a different category from that of WW-2.

17. Regarding WW-3 Rakshe admittedly he was recruited as a Mazdoor and among mazdoors he is the junior-most as can be seen from the seniority list, Ex. W-1. Shri More for the workmen argues that by the date of retrenchment WW-3 was not a Mazdoor but an Assistant Godown Keeper. Even so Shri Ghambhatta argues that since there is only one post of Assistant Godown Keeper (on the assumption that it exists) he being the only incumbent in that post he was retrenched. In this view of the matter it may not be necessary to consider if WW-3 was in fact discharging the duties of a post higher than that of a Mazdoor. If a finding were necessary the evidence of WW-3 has to be considered. Admittedly during the absence of the other Clerks WW-2 and Shanbhag, he was discharging the functions of a Godown Keeper when that post remained unfilled during the years 1969-71 by issuing receipts and maintaining Godown registers. He was also maintaining Clearance Register in respect of goods cleared from the Railways and the Transport Companies. Local Clearance register Ex. B-29 is maintained by him from 1-8-1973 to 8-4-1975. This writing work the other two Mazdoors Hule and Padwal were not doing. WW-3's pay by the date of retrenchment was Rs. 319, while the salaries of S/Shri Hule and Padwal were considerably less. Though more intelligent work was extracted from WW-3 then from the other two Mazdoors S/Shri Hule and Padwal, who were not retrenched still his designation remained the same. In his evidence WW-3 admits that making of entries in the Godown Register would not take more than 5 to 10 minutes of his time. Since there is nothing to show that for a major part of the day he was doing clerical work it cannot be said that his position in the company was something more than that of a Mazdoor. The other workmen, A. Chowdhury a coolie and N. D. Hallap a Sepoy are the juniormost in their respective categories in the Clearing and Forwarding department as can be seen from Ex. W-1. In the absence of any evidence on their behalf it must be held their retrenchment also is in order. For the aforesaid reasons I find that the retrenchment effected by the management is justified and legal.

Point 1 held accordingly.

Point 2 :

18. In view of the finding on point 1 this question may not arise. However for the sake of completion I propose to answer this question also.

19. WW-1 Rane in his evidence stated that by October, 1975 he secured a job in M/s. Skylark Travelling Agents on a salary of Rs. 450. His salary in the company in question by the date of retrenchment was Rs. 351 per month. The question of reinstatement therefore does not arise. A compensation of Rs. 2500 may meet the ends of justice, (pay for May to September, 1975 and 3 months pay as compensation for wrongful termination).

20. So far as WW-2 is concerned his evidence shows that during the period April, 1976 to August, 1976 he worked as Export Clerk in M/s. Taj Engineering International Bombay. Again he says that during April, August and December, 1976 and February 1977 he worked in M/s. Taj Engineering International Bombay as Export Clerk on a salary of Rs. 450. His salary by the date of retrenchment was Rs. 326. He was also having Life Insurance Agency.

As Life Insurance Agent he earned a commission of Rs. 1300 during the year 1976-77. The commission for the year 1977-78 is said to be about Rs. 800. As the witness denied the company's case that he has secured a job in M/s. Associated Marketing Service on a salary of about Rs. 1,200 per month in January, 1977, the management had to examine Shri J. P. Prabhu one of the partners of the firm. He deposed that on 4-1-1977 WW-2 joined their service as an Export Executive on a salary of Rs. 900 to Rs. 1200 p.m. His salary was raised to Rs. 1200 on his being confirmed with effect from 1-4-1977. Thereafter he is being paid in the grade Rs. 1200-75-1750. It may be said that since this witness has not come forward with the truth as to how he had kept himself gainfully occupied during the period 11-4-1975 till January 1977 when he secured a very good job in the concern of Ex-2, he is not entitled to receive any compensation. There is no evidence on part of the company to show that WW-2 was getting anything more than what he has disclosed during the period 11-4-1975 to December, 1976. After taking into account the amount disclosed by him I feel that a sum of Rs. 2500 will be a reasonable compensation. (wages @ Rs. 351 p.m. from May 1975 to December, 1976 plus 3 months wages as compensation for wrongful termination less the amounts actually earned by him. The commission earned from the Insurance business during the year 1975-76 is not disclosed and it is taken to be Rs. 1000 having regard to the income under that head for 1976-77).

21. WW-3 Rakshe in his cross-examination stated that after the retrenchment he is attending to Clearing work on his own and earning Rs. 115 or 120 per month on an average. He has six acres of land belonging to him and to his four brothers jointly and the said property is said to yield Rs. 1000 per annum. Besides this after retrenchment he has constructed a house in his native place Ambegaon Poona District. The said house belongs to him exclusively. He realises Rs. 240 per month from this house by way of rent. After making due allowances for the repairs and taxes the income from the house may be put at Rs. 1440. Calculating after excluding the income from the joint family his monthly income from his clearing work and house rent will be Rs. 240. From the company he was getting Rs. 319 or Rs. 320 per month. The difference in earning comes to Rs. 80 per month. He should also get 3 months wages for wrongful termination of service. On this basis the compensation due to him comes to Rs. 4480. I see no reason to order reinstatement even in the case of WW-3.

Point 2 held accordingly.

Point 3 :

22. The three workmen S/shri Narayan Mallap, A. Chowdhury and M. R. Parab did not lead any evidence in support of the case set out in the claim statement. The workman Shri Chowdhury though he was attending the Court during the course of the trial of this case has not chosen to examine himself. The other workmen were never present before the Court during the proceedings. In the absence of their evidence it is not possible to determine what relief they are entitled to. This question of granting them relief does not also arise in view of the finding on point 1.

23. Shri More for the workmen submitted that in the event of this Court holding that the order of retrenchment in question is not maintainable a further opportunity should be given to these three workmen to place their case. I do not consider this to be a reasonable request. This reference is of the year 1976. Evidence of this case was begun to be recorded in October, 1977 and closed in December, 1978. No reason whatsoever is given as to why these workmen, S/shri Parab and Narayan Mallap consistently remained absent; nor for the failure on the part of Chowdhury to lead evidence on his behalf. On account of their laches, even in the event of the order of retrenchment being held not valid, I hold that they are not entitled to any relief.

Point 5 :

24. In view of the finding on point 1 this reference is answered against the workmen.

P. RAMAKRISHNA, Presiding Officer

## Reference No. CGIT-2/8 of 1976

## APPENDIX OF ORAL EVIDENCE FOR THE EMPLOYERS

S. No.	Description of documents	Exhibit No.
1.	Deposition of Shri Oscar Fernandes	EW-1
2.	Deposition of Shri J.P. Prabhu	EW-2

## DOCUMENTARY EVIDENCE FOR THE EMPLOYERS

S. No.	Description of documents	Exhibit No.
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1	2	3
1.	Retrenchment notice dated 11-4-75	E-1
2.	Overall seniority list of all employees of the company	E-2
3.	Statement of export consignments handled and import consignments cleared during the financial years 1973-74 and 1974-75	E-3
4.	Application for the post of Dock Clerk dated 16-3-1967 to management by Shri Rane	E-4
5.	Appointment letter dated 29-3-1967 to Shri R.S. Rane by management	E-5
6.	Affidavit by Shri Rane in CGIT-13/67	E-6
7.	Original stamped receipt for payment of retrenchment compensation to Shri R.S. Rane	E-7
8.	Import register for the period 21-5-69 to 8-10-70	E-8
9.	Import register for the period 8-10-70 to 28-2-72	E-9
10.	Import register for the period from 2-3-72 to 7-7-73	E-10
11.	Import register for the period 7-7-73 to 18-10-75	E-11
12.	Import register for the period 28-10-75 to 4-10-76	E-12
13.	Export register for the period 20-12-69 to 28-1-71	E-13
14.	Export register for the period 29-1-71 to 23-12-71	E-14
15.	Export register for the period 23-12-71 to 31-10-72	E-15
16.	Export register for the period 1-11-72 to 19-6-73	E-16
17.	Export register for the period 19-6-73 to 19-1-74	E-17
18.	Export register for the period 19-1-74 to 8-11-74	E-18
19.	Export register for the period 11-11-74 to 11-9-75	E-19
20.	Letter dated 11-4-75 from the Company to Shri K.S. Shetty	E-20
21.	Letter dated 7-1-78 from Partner J.P. Prabhu, Asstt. Marketing Services to Syndicate Bank	E-21
22.	Muster roll for the period from 2-7-67 to 31-8-68	E-22
23.	Certificate of LIC dated 16-6-75 produced by witness as per employer's request	E-23
24.	Certificate of LIC dated 17-6-76 produced by witness as per employer's request	E-24
25.	Entry in the godown stock register pertaining to M/s. Sayadeo Engg. Works, Rajasthan	E-25

1	2	3
26.	Entry in the godown stock register pertaining to M/s. Syndicate Bank A/c M/s. Indian Cottage Industries	E-26
27.	Entry in the godown stock register pertaining to M/s. Syndicate Bank A/c M/s. Indian Cottage Industries Kerala	E-27
28.	Entry in the godown stock register pertaining to M/s. Syndicate Bank A/c M/s. Vegot Enterprises	E-28
29.	Entry under the Col. Nos. and description "76 Ols. Lunch boxes."	E-28A
30.	Local clearance book from 1-7-73 to 25-1-77	E-29
31.	Receipt of retrenchment compensation by Shri G.M. Rakshe	E-30
32.	Endorsement made by Shri S.M. Rakshe on 17-4-75 in Ex. E-30	E-30A
33.	Salary book for the year 1974-75	E-31
34.	Statement showing the total disbursement made in 1974-75	E-32
35.	Balance sheet for the year 1974-75	E-33
36.	Copy of a statement signed by Director Mr. Shanbagh	E-34
37.	Balance sheet for the year 1970-71	E-35
38.	Balance sheet for the year 1973-74	E-36
39.	Application for the post of Typist by Shri K.S. Shetty	E-37
40.	Appointment letter of Miss. Mascarenhas	E-38
41.	Signature of Miss. Mascarenhas	E-39

## Reference No. CGIT-2/8 of 1976

## APPENDIX OF ORAL EVIDENCE FOR THE WORKMEN

S. No.	Description of documents	Exhibit No.
1.	Deposition of Shri R.S. Rane	WW-1
2.	Deposition of Shri K.S. Shetty	WW-2
3.	Deposition of Shri J.M. Rakshe	WW-3

## DOCUMENTARY EVIDENCE FOR THE WORKMEN

S. No.	Description of documents	Exhibit No.
1.	Notice listing the seniority of the workmen	W-1
2.	Entry in muster roll dated 29-3-75 (in W-3)	W-2
3.	Muster roll from 23-11-74 to 10-1-76	W-3
4.	Resolution dated 12-4-76	W-4
5.	Letter of retrenchment of Mr. Rakshe with annexure	W-5
6.	Overall seniority list of all employees of the company at the time of retrenchment	W-7
7.	Seniority list of employees category wise in the Passage Department, Air Cargo Department, and Accounts Department	W-7A

[No. L-31012(2)/76-D.IV(A)]  
NAND LAL, Desk Officer.

New Delhi, the 21st February, 1979

**S.O. 820.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi, in the industrial dispute between the employers in relation to the management of the Beas Sutlej Link Project and their workmen, which was received by the Central Government on the 16th February, 1979.

BEFORE SHRI MAHESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

**I. D. No. 52 of 1978**

In re :

The Joint Secretary, Bhartiya Mazdoor Sangh, H. P., F-1/19, B. S. L. Project, Pandoh (HP).

Versus

The Chief Engineer B. S. L. Project, Sundernagar Township, Himachal Pradesh.

#### AWARD

The Central Govt. as appropriate Govt. made a reference u/s 10 of the I. D. Act, 1947 vide its order No. L-42012(65)/77-D.II(B) dated the 7th June, 1978 to this Tribunal in the following terms :

Whether the action of the management of the Beas Sutlej Link Project, Sundernagar, is not granting promotion as full-fledged Welder to Shri Balbir Singh, Junior Welder, Token No. 292-AM, with effect from 5-3-1974 is justified ? If not, to what relief is the workman entitled ?

2. On receipt of the reference usual notices were sent to the parties while the Management was served, the Joint Secretary, Bhartiya Mazdoor Sangh could not be served. A fresh notice Regd. A. D. was sent and the same also was received un-delivered with the remarks that there was no office or Sangh at F-1/19, B.S.L. Project, Pandoh. In these circumstances the case was fixed for written statement of the Management to 8th December, 1978 at Chandigarh. On 8th December, 1978 the following orders were passed :

'In this reference a notice was twice sent to the Joint Secretary of the Bhartiya Mazdoor Sangh but have come back refused. Shri Dhani Ram, General Secretary of Mazdoor Ekta Union, BSL is present and submits that Shri Ishwar Chandra is the General Secretary of the B.M.S. but even Ishwar Chandra was present on earlier occasion in other case and he had also expressed to me in person his inability to pursue this case on behalf of the Sangh. In these circumstances I am left with no option but to proceed ex-parte against the Sangh—Union. For ex-parte evidence on 14-12-1978 at New Delhi. Written statement has been filed by B.S.L.'

3. Ex-parte evidence of B.S.L. has been recorded which consists of statement of Shri O. P. Gupta, the Personal Officer of B.S.L. Project on SA as M.W. 1 and he has stated that

'I am authorised to give statement in this case on behalf of the Management. I have gone through the files. Shri Balbir Singh, the workman in this case, Junior Welder was appointed on 5-3-73. During his services his performance and work were never satisfactory. He was given eight punishments during the period from 13-3-74 to 31-3-77. Because his work was not satisfactory therefore he was not considered suitable for promotion as Welder by the Executive Engineer under whom he was working, and he was not recommended for promotion. He remained as Junior Welder and he was retrenched on 29th December, 1977, in accordance with Chapter V of the I. D. Act. He has collected all his dues.'

4. In the light of the statement recorded above, it cannot be said that the Management of B.S.L. Project, Sunder Nagar was not justified in not granting promotion as full fledged to Shri Balbir Singh, Junior Welder w.e.f. 5-3-74. From his statement it emerges that the workman was not found upto the mark so much so that eight punishments were awarded to him during the period 13-3-74 to 31-3-77. In these circumstances it is difficult to hold that a workman who had suffered eight punishments during a short interval of about three years was a fit person to be promoted as welder. In view thereof I hold that the Management of B.S.L. Project, Sunder Nagar was justified in not promoting Shri Balbir Singh Junior Welder Token No. 292-AM as full fledged welder w.e.f. 5-3-1974 and that the workman is not entitled to any relief what-so-ever in this reference. Incidentally it may be mentioned here that the workman has been retrenched on 29-12-1977 and had even collected his dues as evidenced by the statement of M.W. 1, Shri O. P. Gupta.

5. For any discussions above, it is awarded that the action of the Management of B.S.L. Project, Sunder Nagar in not granting promotion as full fledged welder to Shri Balbir Singh, Junior Welder, Token No. 292-AM w.e.f. 5-3-74 is justified and that the workman was not entitled to any relief what-so-ever. Parties would bear their own costs.

#### FURTHER AWARDED

Requisite number of copies of this award may be sent to the appropriate Govt. for necessary action at their end.

MAHESH CHANDRA, Presiding Officer  
[No. L-42012(65)/77-D.II(B)]

HARBANS BAHADUR, Desk Officer

Dated : the 5th January, 1979.

**S.O. 821.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad, in the industrial dispute between the employers in relation to the management of West Bokaro Colliery of Messrs Tata Iron and Steel Company Limited, Post Office Ghatotand, District Hazaribagh and their workman, which was received by the Central Government on the 9th February, 1979.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under Sec. 10(1)(d) of the Industrial Disputes Act, 1947.

#### Reference No. 9 of 1978

PARTIES : Employers in relation to the management of West Bokaro Colliery of Messrs Tata Iron and Steel Company Limited, Post Office Ghatotand, District Hazaribagh.

AND

Their Workmen.

APPEARANCES :

For the Employers : Shri S. S. Mukherjee, Advocate.

For the Workmen : Shri Arjun Singh, the workman concerned.

Industry : Coal.

State : Bihar.

Dhanbad, dated, the 3rd February, 1979

#### AWARD

This is a reference made by the Government of India in the Ministry of Labour vide its Order No. L-20012/82-78-D. III(A), dated the 17th June, 1978 for the adjudication of the following industrial dispute :

'Whether the action of the management of West Bokaro Colliery of Messrs Tata Iron and Steel Company Ltd., Post Office Ghatotand, District Hazaribagh (Bihar) in dismissing Shri Arjun Singh, General Mazdoor Category I, with effect from the 25th January, 1978 is justified ? If not to what relief is the said workmen entitled ?'



2. Management's case is that as per Recruitment Policy the dependent son, son-in-law or own brother of an old employee of the company who has put in minimum service of 15 years, is given preference in the recruitment on the basis of mere relationship. Consequently Sri Guru Charan Singh, old employee of the company represented that Sri Arjun Singh was his dependent brother. Sri Arjun Singh connived in that false representation by maintaining silence when there was duty to speak. On that basis he was recruited. Subsequently it transpired that the declaration so made was false; in fact Sri Arjun Singh was wife's brother of Guru Charan Singh. As such his basis of recruitment was not correct. After domestic enquiry Sri Arjun Singh was dismissed from service, for making that false representation for securing entry through that door.

3. The case of the delinquent workman is that he had not made any false active representation about Sri Guru Charan Singh being his brother. The domestic enquiry was challenged on the ground that declaration which purported to be signed by him was not shown to him and in fact he had not signed that declaration. The enquiry was motivated and he was innocent because he had given his father's name which was quite different from the father's name of Sri Guru Charan Singh and the fact of percentage being different was a clear pointer to management from the very beginning that he was not the brother of Sri Guru Charan Singh.

4. The lacuna in the enquiry proceeding was rectified by the management examining Sri Narendra Lal Chatterjee for proving declaration which is now shown to the delinquent workman and he has been allowed to cross-examine Sri Narendra Lal Chatterjee on that basis. Sri Narendra Lal Chatterjee has proved that Sri Arjun Singh himself signed the declaration Ext. M-1 in his presence. The declaration clearly mentions blood relationship between him and Sri Guru Charan Singh as brother.

5. On merits parties were heard. The enquiry papers go to show that delinquent himself admitted before the Enquiry Officer and he is admitting it even before me that he is not the brother of Sri Guru Charan Singh; he is his brother-in-law (wife's brother). It is thus obvious that the whole basis of his recruitment falls to the ground and he could not be retained by the management because that would mean snatching away the chance of some other needy relation of other old employee of the company. Even if the delinquent employee was himself not much to be blamed because he says that he did not himself make any such false representation but only connived in the representation made by his brother-in-law Sri Guru Charan Singh and it is proved that he signed the declaration Ext. M-1 which is in English with which he is not conversant, the dismissal cannot be said to be incorrect because it is not possible to retain him in service on that basis of mere relationship.

6. However, looking to the fact that he has already served the company faithfully for a length of the period in temporary and permanent capacities and has learnt the technology and experience and further looking to the fact that his crucial years of service have passed away during the time he served the company, it appears to be desirable that giving preference on the basis of the experience which he has already earned, the company shall, condoning his past, consider him for a fresh recruitment if he applies for being recruited on merit. In that case the company may further consider the question of fixing him up at the stage on which he was dismissed. Learned counsel for the management promises to convey the feeling of this Tribunal to the authorities concerned.

7. With this observation it is held that the dismissal was justified. The reference is answered accordingly.

S. N. JOHRI, Presiding Officer.  
[No. 1-20012/82/78-D.III(A)]

**S.O. 822.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad, in the industrial dispute between the employers in relation to the Muraidih Colliery of Messrs Bharat Coking Coal Limited, Post Office Nawagarh, District Dhanbad and their workmen, which was received by the Central Government on the 6th February, 1979.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD**

In the matter of a reference under Section 10(1) (d) of the Industrial Dispute Act, 1947

**Reference No. 23 of 1978**

**PARTIES :**

Employers in relation to the management of Muraidih Colliery of Messrs Bharat Coking Coal Limited, Post Office Nawagarh, District Dhanbad.

**AND**

Their Workmen.

**APPEARANCES :**

For the Employers—Shri G. Prasad, Advocate

For the Workmen—None

**STATE :** Bihar

**INDUSTRY :** Coal

Dhanbad, dated the 31st January, 1979

**AWARD**

This is a reference made by the Government of India in the Ministry of Labour vide its Order No. L-20012/19/78-D.III(A) dated the 30th August, 1978 for the adjudication of the following industrial dispute :

"Whether the action of the management of Muraidih Colliery of Messrs Bharat Coking Coal Limited, Post Office Nawagarh, District Dhanbad in not regularising the services of Shri Uday Narayan Tiwari as Munshi is justified? If not, to what relief is the said workmen entitled and from what date?"

2. The parties have filed a settlement. The award is given in terms of the settlement which shall form part of the award. The reference is answered accordingly.

S. N. JOHRI, Presiding Officer

**FORM—II**

See rule—1958

**NAMES OF PARTIES :**

1. Representing Employer—Agent—Muraidih Colliery.
2. Representing workmen—Unit—Prasad Singh, R.C.M.S.

**SHORT RECITAL OF THE CASE**

Sri U. N. Tewari is designated as Cap Lamp Helper but working as Munshi and getting difference of wages. The union demanded regularisation as per job performed.

**Terms of Settlement**

Sri Uday Narayan Tewari will be designated as Munshi (Clerical Grade-III). He is not however entitled to any back wages.

**Signature of the Parties**

Signature of workmen or officer of Trade union.	Management (Sd.) B. N. JHA, Agent
1. (Sd.) U. P. SINGH 9-6-78.	9-6-78

Witnesses Muraidih colliery.

1. (Sd.) A. B. PRASAD 9-6-78

2. ....

Dated. ....

[No. L-20012/19/78-D.III(A)]

**S.O. 823.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1 Dhanbad, in the industrial dispute between the employers in relation to the management of Alkusa Colliery of Messrs Bharat Coking Coal Limited, Post Office Kusunda, District Dhanbad and their workmen, which was received by the Central Government on the 6th February, 1979.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under Sec. 10(1) (d) of  
the Industrial Disputes Act, 1947

Reference No. 74 of 1977

## PARTIES :

Employers in relation to the management of Alkusa  
Colliery of Messrs Bharat Coking Coal Limited,  
Post Office Kusunda, Dist. Dhanbad.

AND

Their Workmen.

## APPEARANCES :

For the Employers—Shri M. P. Verma, Dy. Personnel  
Manager.

For the Workmen—None.

State : Bihar

Industry : Coal.

Dhanbad, dated, the 31st January, 1979.

## AWARD

This is a reference made by the Government of India  
in the Ministry of Labour vide its Order No. L-20012/12/  
77-D.III(A), dated the 7th June, 1977 for the adjudication  
of the following industrial dispute :

"Whether the action of the management of Alkusa Col-  
liery of Messrs Bharat Coking Coal Limited, Post  
Office Kusunda, District Dhanbad, in dismissing  
Shri R. A. Rai, General Clerk from service with  
effect from 15th July, 1976 is justified ? If not,  
to what relief is the said workman entitled ?"

2. The parties have filed a settlement. The award is given  
in terms of the settlement which shall form part of the  
award. The reference is answered accordingly.

S. N. JOHRI, Presiding Officer.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL NO 1 AT DHANBAD

Reference No. 74 of 77

Employers in relation to the management of Alkusa  
colliery of M/s. Bharat Coking Coal Limited.

AND

Their workmen.

The parties beg to state as follows :—

That pending hearing of the above reference before this  
Hon'ble Tribunal, the parties entered into negotiations and  
have been able to resolve the dispute amicably on the follow-  
ing terms :—

- (a) That the concerned workman Sri R. A. Rai will be  
taken back in his original job with continuity of  
service. The period of idleness will be treated as  
dies-non.
- (b) That Sri Rai will be paid a lump-sum amount of  
Rs. 7000 (Rupees seven thousand only).
- (c) That Sri Rai will be posted at any colliery/unit of  
Bhagaband Area as determined by the General  
Manager.
- (d) That Sri Rai will report for his duty to the General  
Manager, Bhagaband Area within ten days of the  
date of the settlement.
- (e) That Sri Rai will have no other claim whatsoever  
from the employers and the dispute shall be deemed  
to have been completely settled.

That since the above terms are fair and reasonable the  
parties pray that the Hon'ble Tribunal be pleased to give  
its award in terms of this settlement and this petition of  
compromise may be made a part of the award.

For behalf of the  
management

(R. N. MISHRA)  
General Manager  
Bhagaband Area

For behalf of the workman  
(G. D. PANDEY)

Secretary  
RCMS, Rajendra Path  
Dhanbad

(S. K. MISHRA)

Personnel Manager  
Bhagaband Area

Witnesses :

(JAI PRAKASH)

Clerk, Bhagaband Area

(S. C. SRIVASTAVA)

Clerk, Bhagaband Area

Dated—

(R. A. RAI)

Workman in dispute

[No. L-20012/12/77-D. III(A)]

S.O. 824.—In pursuance of section 17 of the Industrial Dis-  
putes Act, 1947 (14 of 1947), the Central Government hereby  
publishes the following award of the Central Government  
Industrial Tribunal No. 1, Dhanbad, in the industrial dispute  
between the employers in relation to the management of Loya-  
bad Colliery of Messrs Bharat Coking Coal Limited, Post Office  
Bansjora, District Dhanbad and their workmen, which was  
received by the Central Government on the 6th February,  
1979.

[No. L-20012/117/75-D.III(A)]

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL No. 1, DHANBAD

In the matter of a reference under Section 10(1)(d) of the  
Industrial Disputes Act, 1947

Reference No. 50 of 1977

PARTIES : Employers in relation to the management of  
Loyabad Colliery of Messrs Bharat Coking Coal  
Limited, Post Office Bansjora, District Dhanbad.

AND

Their Workmen.

## APPEARANCES :

For the Employers—Shri B. Joshi, Advocate.

For the Workmen.—None.

State : Bihar

Industry : Coal.

Dhanbad, dated, the 1st February, 1979

## AWARD

This is a reference made by the Government of India in  
the Ministry of Labour vide its Order No. L-20012/117/75-  
D.III.A, dated, the 25th September, 1975 for the adjudication  
of the following industrial dispute :

"Whether the management of Loyabad Colliery of Messrs  
Bharat Coking Coal Limited, Post Office Bansjora,  
District Dhanbad, is justified in dismissing from  
service, Sarva Shri (1) Kailash Prasad, Mining Sirdar,  
(2) Foujdar Singh, Lamp Issue Clerk, (3) Harihar  
Bhar, Miner and (4) Bhaju Pashi, Miner, with effect  
from the 7th November, 1973 ? If not, to what  
relief are the said workmen entitled ?"

2. The parties have filed a settlement. Terms are verified.  
They are fair and just. Award is given in terms of the settle-  
ment which shall form part of the Award.

S. N. JOHRI, Presiding Officer

Memorandum of settlement arrived at between the management  
of Bharat Coking Coal Ltd., Sijua Area and the Rashtriya  
Colliery Mazdoor Sangh on 4th October, 1978.



**PRESENT :**

On behalf of the management      On behalf of the Union

(1) Shri R. S. Singh	Shri C. M. Sharma
	Organising Secretary
General Manager	Rashtriya Colliery
BCCL, Sijua Area	Mazdoor Sangh
	Rajendra Path, Dhanbad

(2) Shri K. C. Nandksolyar  
Personnel Manager  
BCCL, Sijua Area

**"Short Recital of the Case"**

S/Shri Kailash Prasad, Mining Sirdar, Bhaju Pasi, Miner, Harihar Bhar, Miner and Faujdar Singh, Lamp Issue Clerk were chargesheeted for certain acts of misconduct on different dates in 1973 and were subsequently dismissed after enquiry into the matter. The case was taken up by the Union viz Rashtriya Colliery Mazdoor Sangh in conciliation, which ultimately ended in failure and the dispute was referred to Tribunal for adjudication and was numbered as Ref. 116/75. The case was transferred to Tribunal No. 1 where it was numbered as Ref. 50/77. While the case is still pending before the Tribunal the workmen concerned and the Union represented by Shri C. M. Sharma, Organising Secretary, R. C. M. S., approached the management for amicable settlement of the matter as the case was getting prolonged for one reason or another and that it was desirable in the interest of overall better industrial relations. Accordingly, the matter was referred to Hqs. and the approved of the Hqs. having been obtained, the cases have been settled amicably on the terms and conditions as under :—

**"Terms of Settlement"**

1. That all the four workmen namely S/Shri Kailash Prasad Mining Sirdar, Bhaju Pasi, Miner, Harihar Shar, Miner and Faujdar Singh, Lamp Issue Clerk will be reinstated with immediate effect provided they report for duty to the Personnel Manager, Sijua Area on or before 12-10-78.

2. The workmen concerned have regretted for the incident that took place, which led to their dismissal etc.

3. The Union assured good conduct on behalf of the workmen concerned.

4. That the workmen concerned will not be paid any wages/compensation for the period of unemployment i.e. from the date of dismissal to the date of reinstatement, but the period will be treated as dies-non for the purpose of continuity of service only.

5. That the workmen concerned will be allowed to duty in any of the collieries of Sijua Area for the present.

6. That the Union and the workmen agreed to withdraw the case pending before the Tribunal No. 1 by filing a copy of this settlement and praying for passing Award on terms of this settlement.

7. That copies of the settlement shall be forwarded to the authorities concerned under Rule 58(4) of the Industrial Disputes (Central) Rules, 1957 for registration.

8. That any other case/complaint filed having any connection with the incident/dispute in the past, shall be deemed to have been withdrawn and steps shall be taken by the workmen concerned and the Union to withdraw the case/cases/complaints at their own cost.

9. That by virtue of this settlement, the matter arising out of the dismissal of the concerned four workmen stands settled fully and finally.

10. That in case of any dispute regarding interpretation of the terms of settlement, the same shall be referred to the Personnel Manager of Sijua Area, whose decision thereon shall be final and binding.

C. M. SHARMA, Organising Secy. RCMS  
[No. L-20012/117/75-D III(A)]

R. S. SINGH, General Manager

K. C. NANDKSOLYAR, Personnel Manager

**WITNESSES :**

(1)  
(2)  
(3)  
(4)

Dated, Sijua the 4th October, 1978.

**S.O. 825.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad, in the industrial dispute between the employers in relation to the management of Dhansar Colliery of Messrs Bharat Coking Coal Limited, At and Post Office Jealgora, District Dhanbad and their workmen, which was received by the Central Government on the 6th February, 1979.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**

In the matter of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947

**Reference No. 10 of 1978**

**PARTIES :** Employers in relation to the management of Dhansar Colliery of M/S. B.C.C.L., At and Post Office Jealgora, District Dhanbad.

**AND**

Their Workmen.

**APPEARANCES :**

For the Employers : Shri J. R. Verma Dy. Personnel Manager, Security Headquarters.

For the Workmen : Shri S. Bosc.

State : Bihar

Industry : Coal.

Dhanbad, dated, the 31st January, 1979

**AWARD**

This is a reference made by the Government of India in the Ministry of Labour vide its Order No. L-20012/159/77-D III(A), dated the 20th June, 1978 for the adjudication of the following industrial dispute :

"Whether the action of the management of Messrs Bharat Coking Coal Limited, Post Office Jealgora District Dhanbad, in dismissing Shri Ram Saran Mali, Night Guard of Dhansar Colliery, with effect from the 11th November, 1976, is justified ? If not, to what relief is the said workman entitled ?"

2. The parties have filed a settlement. The award is given in terms of the settlement which shall form part of the Award. The reference is answered accordingly.

Sd./-

S. N. JOHRI, Presiding Officer

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD****Reference No. 10 of 1978**

Employers in relation to the management of Dhansar Colliery of M/s. Bharat Coking Coal Limited.

**AND**

Their Workmen.

The parties beg to state as follows :—

That the above reference has been made by the Central Government for the adjudication by the Tribunal about the propriety of dismissal of Shri Ram Saran Mali, Night Guard of Dhansar Colliery w.e.f. 11th November, 1976.

That the talks for settling the dispute amicably were continuing for some times and free and frank discussion took place and the parties have agreed to settle the dispute on the following terms :—

1. That Shri Ram Saran Mali will be re-instated in his service with immediate effect and he should join not later than 19-9-78.
2. That Shri Ram Saran Mali on his so joining, will be deemed to have joined service from 1-7-78 and he will be paid his wages from that period as a special case.
3. That no other payment shall be made by the management for the period, Shri Mali remained out of his employment, but the period of absence shall be treated as leave without wages and the period shall count for all benefits, admissible to him, had he not been out of employment for the period from 11-11-76 to the date of his joining.
4. The parties shall bear their own costs.

That since the settlement is fair and reasonable, the Hon'ble Tribunal will be pleased to record the same and give its Award in terms thereof.

For and on behalf of the employers.

Shri J. R. Varman,  
Dy. Personnel Manager,  
Security Hqrs., BCCL,  
Jalgaora.

Shri B. Prasad,  
Sr. Personnel Officer,  
Security Hqrs., BCCL,  
Jalgaora.

For and on behalf of the workman.

Shri S. Das Gupta  
R.C.M.S. Jt. General Secretary,  
Dhanbad.

#### WITNESSES

1. Ram Saran Mali
2. Sd./- Illigible.

[No. L-20012/159/77-D.III(A)]

**S.O. 826.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad, in the industrial dispute between the employers in relation to the management of Kooridih Colliery of Messrs Bharat Coking Coal Limited, Post Office Sonardih, District Dhanbad and their workmen, which was received by the Central Government on the 9th February, 1979.

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD

In the matter of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 32 of 1978

#### PARTIES :

Employers in relation to the management of Kooridih Colliery of Messrs Bharat Coking Coal Limited, Post Office Sonardih, District Dhanbad.

AND

Their Workmen.

#### APPPEARANCES :

For the Employers—Shri S. P. Singh, Senior Personnel Officer.

For the Workmen—Shri S. Bose.

State : Bihar.

Industry : Coal

Dhanbad, the 2nd February, 1979

#### AWARD

This is a reference made by the Government of India in the Ministry of Labour vide its Order No. L-20012/133/77-D.III(A), dated the 19th September, 1978 for the adjudication of the following industrial dispute :

"Whether the action of the management of Kooridih Colliery of Messrs Bharat Coking Coal Limited, Post Office Sonardih, District Dhanbad in superannuating Shri Jagnarain Ram, Office Peon, with effect from the 1st November, 1975, is justified? If not, to what relief is the said workman entitled?"

2. The management has filed an agreement between the concerned workman and the management which was signed between them on 8th September, 1978 i.e. about 11 days before the reference was made by the Government of India. According to the management this agreement between the concerned workman and the management wiped out the individual dispute which had been turned into an industrial dispute by the union and therefore the reference became nugatory. The terms of the agreement between the workman and the management are as follows :

1. It is agreed that the management will pay a lump sum amount of Rs. 6,000 (Rupees Six thousand only) as an ex-gratia payment to Shri Jagnarain Ram, Office Peon, Kooridih Colliery.
2. It is agreed that the workman shall not be entitled to claim for further employment, wages, gratuity and any other benefit etc. from 1st November, 1975 and onward i.e. the date of his superannuation.
3. It is agreed that parties shall have no further claim whatsoever against each other in this account and the present dispute will stand finally and fully resolved as a result of this settlement.
4. Both the parties agreed to authorise Shri N. K. P. Sinha, P. M. Govindpur Area to forward the copies of this settlement to the concerned authorities as required under the I.D. (Central) Rules, 1957".

The workman admits before me that he did receive a cheque of Rs. 6,000 from the management, particulars of which have been given to Sri Bose, but his plea is that when he went to encash the cheque only a sum of about Rs. 2,500 came to his hand. He is quite vague with respect to the amount he received in hand as well as with respect to the fate of the amount that evaporated. However, this Tribunal is least concerned with that problem. He may have voluntarily parted with that chunk of money or he may have been cheated. For that he has to knock some other door. This Tribunal has no jurisdiction to enquire into that matter. In fact, in such cases the management should have taken the union in confidence alongwith the workman, (unless the union was non-cooperative), so as to ensure that the total amount of the cheque reached in the hand of the workman himself. This mode of settling the dispute by a public sector undertaking, in utter dis-regard of the union which had sponsored the same may smell fishy about the integrity of the officers, and cannot be turned as a happy mode conducive to the healthy growth of trade union movement in the country, more so because neither the A.L.C. who reported failure, nor the Government of India which was seized with the question of making reference appears to have been informed about this development.

3. In any case so far as this reference is concerned it is conceded, by Sri Bose appearing for the union, that the dispute ended when the workman signed the agreement on 8th September, 1978 and acting upon it, obtained the cheque of Rs. 6,000 from the management as ex-gratia payment in lieu of all claims. As the individual dispute was wiped out by the agreement the earth in fact slipped away from under the feet of the union for pressing the same as an industrial dispute and as the industrial dispute had so died before the reference the Government of India was left with no jurisdiction to make the same on 17th September, 1978. In fact, the reference was made because the Ministry was not informed of this development.

4. The reference is therefore rejected as without jurisdiction, invalid and not maintainable in view of the agreement dated 8th September, 1978 which shall form part of this award.

S. N. JOHRI, Presiding Officer.

## MEMORANDUM OF SETTLEMENT

RULE : 58.

Memorandum of Settlement arrived at in between the management of Kooridih Colliery and Shri Jagnarain Ram, Office Peon of Kooridih Colliery—

## Representing the Management :

1. Shri R. K. Yashroy, General Manager, Govindpur Area.
2. Shri N. K. P. Sinha, Personnel Manager, Govindpur Area.

## Representing the Workman :

1. Shri Jagnarain Ram, workman himself.

## Short Recital of the case

Shri Jagnarain Ram was superannuated on and from 1st November, 1975 on the basis of age recorded in a non-statutory register of the colliery. Shri Ram produced his age record on the basis of the documents of Life Insurance Corporation. As per L.I.C. record he was to be superannuated in the year 1978. Shri Ram raised an industrial dispute before the Assistant Labour Commissioner (C) in this respect which ended in failure. Shri Ram has been approaching the management to settle up the matter through mutual negotiation. After a prolonged discussion, both the parties agreed on the following terms :—

## Terms of Settlement

1. It is agreed that the management will pay a lump sum amount of Rs. 6,000 (Rupees six thousand only) as an ex-gratia payment to Shri Jagnarain Ram, Office Peon, Kooridih Colliery.
2. It is agreed that the workman shall not be entitled to claim for further employment, wages, gratuity and any other benefit etc., from 1st November, 1975 and onward i.e. the date of his superannuation.
3. It is agreed that parties shall have no further claim whatsoever against each other in this account and the present dispute will stand finally and fully resolved as a result of this settlement.
4. Both the parties agreed to authorise Shri N. K. P. Sinha, P. M. Govindpur area to forward the copies of this settlement to the concerned authorities as required under the I.D. (Central) Rules, 1957.

## Representing the Management.

1. Sd/- R. K. Yashroy, General Manager.
2. Sd/- N. K. P. Singh, Personnel Manager.

## Representing the workman,

1. Sd/- Jagnarain Ram Workman.

Witness :—

1. Sd/-
2. Sd/-

Date : 8th September, 1978.

[No. L-20012/113/77-D.III(A)]

**S.O. 827.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad, in the industrial dispute between the employers in relation to the management of Loyabad Colliery of Messrs Bharat Coking Coal Limited, Post Office Bansjora, District Dhanbad and their workmen, which was received by the Central Government on the 6th February, 1979.

## BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 53 of 1977

## PARTIES :

Employers in relation to the management of Loyabad Colliery of Messrs Bharat Coking Coal Ltd., Post Office Bansjora, Dhanbad.

AND

Their Workmen.

## APPEARANCES :

For the Employers.—Shri B. Joshi, Advocate.

For the Workmen.—None.

State : Bihar.

Industry : Coal.

Dhanbad, dated, the 1st February, 1979

## AWARD

This is a reference made by the Government of India in the Ministry of Labour vide its Order No. L-20012/110/75-D.III.A, dated, the 3rd February, 1976 for the adjudication of the following industrial dispute :

“Whether the action of the management of Loyabad Colliery of Messrs Bharat Coking Coal Limited, Post Office Bansjora, District Dhanbad in dismissing Shri R. K. Prasad, Lamp Cabin Incharge with effect from the 19th November, 1973 is justified? If not, to what relief the concerned workman is entitled?”

2. The parties have filed a settlement. Terms are verified. They are fair and just. Award is given in terms of the settlement which shall form part of the Award.

S. N. JOHRI, Presiding Officer.

Memorandum of settlement arrived at between the management of Bharat Coking Coal Ltd. Sijua Area and the Bihar Colliery Kamgar Union on 9th October, 1978.

## PRESENT :

On behalf of the management :

- (1) Shri R. S. Singh, General Manager BCCL, Sijua Area.
- (2) Shri K. C. Nandkeolyar, Personnel Manager, BCCL, Sijua.

On behalf of the Union :

- (1) Shri S. N. Prasad, Joint Secretary, Bihar Colliery Kamgar Union.
- (2) Shri R. K. Prasad, Workman.

## “Short Recital of the Case”

Shri R. K. Prasad was chargesheeted for certain acts of misconduct in 1973 and was dismissed after enquiry into the matter. The case was taken up by Shri R. K. Prasad himself U/s 2A and later the cause was also spoused by Bihar Colliery Kamgar Union. The conciliation having ended in failure, the dispute was referred to Tribunal for adjudication and was numbered as 6/76. The case was later transferred to Tribunal No. 1 where it was renumbered as 53/77. During the pendency of the case before the Tribunal the workman concerned and the Joint Secretary of the Union approached the management for an amicable settlement. In this connection a representation was also made by Shri R. K. Prasad to the C.M.D. vide his No. B/P/205(V)/(S)/20/77 dated 5th December, 1977 whereupon the comments were asked for by the Area from the Industrial Relation Section, Karmik Bhawan. It was also contended by the Union that the matter was getting prolonged for one reason or the other and that it was desirable in the interest of the industrial

relations that the case may be compromised amicably. Accordingly the approval of the Hqrs. having been obtained, the case has been settled amicably on the terms and conditions mentioned as under :—

**"Terms of Settlement"**

1. That Shri R. K. Prasad will be reinstated with immediate effect provided he reports for duty to the Personnel Manager, Sijua Area on or before 12th October, 1978.
2. That the workman concerned has regretted for the incident that took place, which led to his dismissal etc.
3. That Union and Shri R. K. Prasad, Cup Lamp In-charge assured good conduct in future.
4. That the workman concerned will not be paid any wages/compensation for the period of unemployment i.e. from the date of dismissal to the date of reinstatement, but the period will be treated as fission for the purpose of continuity of service only.
5. That the workman concerned will be allowed to duty in any of the collieries of B.C.C. Ltd.
6. That the Union and the workman agreed to withdraw the case pending before the Tribunal No. 1 by filing a copy of this settlement and praying for passing Award on terms of this settlement.
7. That copies of the settlement shall be forwarded to the authorities concerned under Rule 58(4) of the Industrial Disputes (Central) Rules, 1957 for registration.
8. That any other case/complaint filed having any connection with the incident/dispute in the past, shall be deemed to have been withdrawn and steps shall be taken by the workman concerned and the Union to withdraw the case/cases/complaints at their own cost.
9. That by virtue of this settlement, the matter arising out of the dismissal of the concerned workman stands settled fully and finally.
10. That in case of any dispute regarding interpretation of the terms of settlement, the same shall be referred to the Personnel Manager of Sijua Area, whose decision thereon shall be final and binding.

(R. S. SINGH)

General Manager

(K. C. Nandkeolyar)

Personnel Manager.

WITNESSES :

(1)

(2)

Dated, Sijua  
the 9th October, 1978.

S. N. PRASAD, Jt. Secy.

Bihar Colliery Kamgar Union.

(R. K. PRASAD)

dated 9-10-78

[No. 20012/110/75-D.III(A)]

New Delhi, the 23rd February, 1979

**S.O. 828.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad, in the industrial dispute between the employers in relation to the management of North Senedih Section of the Jogidih Colliery of Messrs Bharat Coking Coal Ltd. P.O. Tundoo, Distt. Dhanbad and their workmen, which was received by the Central Government on the 8th February, 1979.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL NO. 1 AT DHANBAD**

In the matter of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947

**Reference No. 58 of 1977**

**PARTIES :**

Employers in relation to the management of North Senedih Section of the Jogidih Colliery of Messrs Bharat Coking Coal Ltd. P.O. Tundoo. Distt. Dhanbad.

AND

Their Workmen.

**APPEARANCES :**

For the Employers—None.

For the Workmen—None.

State : Bihar

Industry : Coal

Dhanbad, dated the 31st January, 1979

**AWARD**

This is a reference made by the Government of India in the Ministry of Labour vide its Order No. L-20012/213/75/D. IIIA, dated the 10th May, 1976 for the adjudication of the following industrial dispute.

"Whether the action of the management of North Senedih Section of Jogidih Colliery of Messrs Bharat Coking Coal Limited, Post Office Tundoo District Dhanbad in dismissing the services of S/Shri Murali Mahato, Mohun Bouri, Amrit Bouri, Radhu Mahato, Makhru Dass, Thakur Modi, Ram Kishan Bouri and Kumud Mahato all Miners with effect from 26th June, 1974 is justified? If not, to what relief are the workmen concerned entitled?"

2. The parties have filed a settlement. The award is given in terms of the settlement which shall form part of the award. The reference is answered accordingly.

Sd/-

S. N. JOHRI, Presiding Officer

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL NO. 1 AT DHANBAD**

**Reference No. 18 of 76/No. of 77**

Employer in relation to the Management of North Sinidih Section of Jogidih Colliery of M/s. B.C.C. Ltd.

AND

Their workmen represented by B.C.K.U.

**Joint Petition of Compromise Settlement**

The humble petitioner, on behalf of the parties above named, most respectfully pray—

(1) that the parties concerned in the present dispute, have arrived at an amicable settlement on the terms stated below.

**Terms of Settlement**

(a) That the management agree to reinstate S/Shri Murali Mahato, Mohun Bouri, Amrit Bouri, Radhu Mahato, Makhru Das, Thakur Modi, Ramkishan Bouri and Kumud Mahato in the post they had been holding before their dismissal i.e. as Miner/Loader within 15 days of their reporting for duties to the Manager, Jogidih Colliery. Management has, however, right to post them in any Colliery within Govindpur Area or in any Colliery of BCCL.

(b) That it is agreed by the parties that the workmen, named above, shall report for their duties to the Manager, Jogidih Colliery within 15 days from the date of settlement failing which, they or any of them shall forfeit the right of employment.

(c) That the Management agree that the period of their idleness i.e. from 26th June, 1974 to the date of their resumption of duty, shall be treated as leave without pay, with continuity of service.

(d) That it is agreed that the workman concerned shall have no claim on account of back wages for the period of their idleness as specified in para 'c' above.

That the humble petitioner pray that the Hon'ble Tribunal may graciously be pleased to approve the terms of settlement as mentioned above and pass an award in terms thereof.

## FOR THE WORKMAN

1. Rajnandan Singh,  
Vice President, BCKU.  
2. Sitaram Paswan,  
Representative of BCKU.

## FOR THE EMPLOYERS

1. R. K. Yashroy,  
General Manager  
2. N. K. P. Sinha,  
Personnel Manager

## Witnesses

Dated : 25-9-1978

Sd/-

1. S. S. Mitra

-/PS

2. S. P. Singh

## Name of workmen :

1. Shri Murli Mahato
2. Shri Mohan Bouri
3. Shri Amrit Bouri
4. Shri Radhu Mahato
5. Shri Makru Das
6. Shri Thakur Modi
7. Shri Ramkishan Bouri
9. Shri Kumud Mahato.

[No. I-20012/213/75-D. III(A)]  
S. H. S. IYER, Desk Officer

